

JOANN HAYSBERT
Plaintiff-Appellant,
v.
OUTBACK STEAKHOUSE
OF FLORIDA, LLC
Defendant-Appellee
and
BLOOMIN’ BRANDS, INC.
Defendant

Pursuant to Federal Rule of Appellate Procedure 10(e)(2)(A) and Local Rule 10(d), the parties hereby jointly stipulate to correct the record on appeal by including the following materials, each of which was presented to or considered by the district court in the proceedings below:

- Dr. Aaron Filler’s new patient evaluation of JoAnn Haysbert, dated January 3, 2024, a true and correct copy of which is attached hereto as Exhibit A;

- the docket report from *Haysbert v. Bloomin' Brands, Inc.*, No. 4:20-cv-121 (E.D. Va.), a true and correct copy of which is attached hereto as Exhibit B; and
- the following items from the record in *Haysbert v. Bloomin' Brands, Inc.*, including any exhibits or attachments thereto: ECF Nos. 126, 168, 294, 315, 320, 349, 350, 351, 352, 357, 361, 362, and 379.

DATED: June 5, 2025

Respectfully submitted,

/s/ Judah J. Ariel

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EXHIBIT A

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**NEUROLOGICAL INJURY SPECIALISTS
NEW PATIENT EVALUATION****PATIENT NAME:** HAYSBERT, JOANN**DATE OF BIRTH:** [REDACTED]/1948**MEDICAL RECORD NO.:** 200 100 148**DATE OF SERVICE:** 01/03/2024

HISTORY OF PRESENT ILLNESS: This is a 75-year-old woman who is Provost of Hampton University and past president of Langston University. The patient is having an initial neurosurgical evaluation with me whom I have evaluated previously on an imaging only basis, upon referral from Dr. Huma Haider. I carried out and interpreted a brain DTI study on September 18, 2020. The patient reports that she was injured in a slip-and-fall that took place at an Outback steak house. She describes the event as it unfolded: she just arrived and spoke to the person behind the kiosk at the front and asked her for the location of the restroom. She recalls being directed toward another section of the restaurant and told to find a corridor and turn left. She recalls taking several steps away from the podium area toward the restroom, and then has a break in memory, after which she suddenly found herself on the floor. She was in pain, confused, and surrounded by other diners and employees asking her if she was okay. She specifically remembers opening her eyes upon hearing voices and seeing people, therefore she is certain of a gap in memory and believes, on the basis of her recall, that there was a loss of consciousness. She stated that she does not recall the time when those people came to assist her, and actually see her fall and come to her aid, she only recalls opening her eyes.

She was on her left side. She had extensive bruising along the left side of her body, her shoulder, and onto her scalp in the left frontoparietal area. She states that immediately following this, the people who came to aid her helped her up into a chair. She recalled before that there were essentially some booths on one side and tables on the other side, and then suddenly she was on the floor. There was swelling in the area of the contusion on the left frontoparietal area and she was asked if she wanted to go to a hospital, but she elected to go home and to ice the swelling in part because she had a visit scheduled with her mother, who is in her 90's, and did not want to disappoint her. Therefore, she elected to try to recover without going to the emergency room; however, she was quite uncomfortable and did elect the following day, according to her statement, to go to urgent care where x-rays were obtained. These dealt with both the shoulder and a skull x-ray as far as she recalls, although, I do not yet have those images. This was at the urgent care not in an emergency room. She, otherwise, does not recall the specifics of the event. She felt she was in a dense fog, unable to fully recall what had happened, and notes that she has no prior injury.

In reviewing photographs obtained on the day of injury, I do see bruising near the hairline on the left side matching the point she identified in her drawing. She notes no prior head injuries. She had a

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car accident subsequent to this, which occurred approximately April 2020, and she states that she had been driving on a road when a car came out of a parking lot and impacted on the passenger side of her car. She was in a 2005 Lexus. She states no head injury occurred but because she had some soreness, only police came to the scene, her son took her to the ER where they had a protocol of doing a full body CT scan. This included a head image, as far as she knows, and the images are not available for review. She had no headache at the time, no alteration of emotion or personality.

That CT scan identified a cerebral aneurysm which is in the carotid just before it enters the cranial space on the right side and then extending up to approximately the level of the anterior cerebral artery wherein based on the anatomy and appearance it was elected to advise her that no surgery or treatment was required noting that there was no evidence of any prior subarachnoid hemorrhage on the images of September 18, 2020.

On our head injury diagram she indicates the point of impact over the left frontal area commencing just to the left of the midline, and that she had both swelling and bruising at that location.

On her headache diagram she indicates the pain continues to be focused on the left side of the more posterior portion. She rates the headache severity as level 10 at worst, 1-2 at best, and 2 at the time of completing the forms.

On our headache questionnaire, she indicates that the pain is on the left side and in the temple area. This occurs on and off, lasts for minutes at a time. It has a sharp quality to it. It can be a variety of severities up to a mild level 1-2 or up to a very occasionally severe 9-10 level of pain. It is associated with triggers from stress, bright lights, loud noise, and sleep deprivation.

On our body pain diagram, she indicates the pain over the left side of the head and posteriorly in the knee on the right, a level 10 in severity at worst, 2 at best, and 3 at the time of completing the form. She indicates subsequently having treatment such as bedrest and chiropractic treatment which she says was partly successful.

On our brain injury or DTI questionnaire, which she completed, at this time, indicates the brief loss of consciousness and the fact she had the slip-and-fall as previously discussed and had the following symptom indications on the form. Regarding long-term memory, she has problems with auditory-tagged memories such as remembering words to songs and some problems with visually-tagged memories as well such as difficulty remembering names and faces of people she should know well. She also has difficulty visualizing landmarks and locations from events in her past. She has difficulty with memory formation, that is forgetting what has been said in a phone conversation or instructions she has just been given, and some problems with immediate memory, such as being told she has already asked the same question or loses track of what she is saying while speaking. She will forget what she said at the beginning of a sentence by the time she gets to the end of a sentence.

She has some problems with speech, particularly difficulty with word finding and some variability of the rate and speech. Sometimes she has difficulty remembering the meanings of certain words. As to cognitive processes, she indicates problems with multitasking and presence of a sense of a mental fog. She has difficulty navigating without assistance of a cell phone application and difficulties with attention. As to emotion and personality changes, she reports having excess anger and irritability, loss of emotional drive, depression and has a severe sense of fatigue. She reported

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having markedly elevated anxiety. She also reported a decreased interest in socializing and notes rapid mood changes and poor toleration of stress.

For sensory processing, she indicates some blurry vision and notes some increase sensitivity to sounds and tinnitus or ringing in her ears. She reports some problems with insomnia and the presence of tremor at rest or with intention involving both upper extremities.

On our review of systems questionnaire, she indicates that her chief complaint is brain injury, continuous pain in the left side of her temple and frontal area, headaches on and off, being forgetful and having some difficulty focusing. She is here to be seen for the brain injury in association with an injury of May 23, 2018, which was her slip-and-fall at the Outback steak house.

PAST HOSPITALIZATIONS AND SURGERIES: She indicates a prior gallbladder surgery and cesarean section. Prior tests include x-ray, MRI and CT scan.

FAMILY HISTORY: Her mother is alive and suffers from high blood pressure and arthritis. She is in her 90's. Her father is deceased. She has one sibling who has a history of hypertension. She has five children none with any specific medical conditions.

MEDICATIONS: A diuretic for hypertension, Tirosint 50 mg and triamterene hydrochlorothiazide. She takes a thyroid supplement.

ALLERGIES: No allergies to medications.

SOCIAL HISTORY: Education level is a doctorate. She is a nonsmoker and does not consume ethanol. Occupational history: Educator and has served as provost of Hampton University where she has been employed for more than 30 years. She had returned to work following the accident but has had difficulty with some of her usual tasks, reporting that she is now retiring after extended efforts to contend with these residual cognitive impairments. Her work requires her to sit, stand, and use a computer.

REVIEW OF SYSTEMS:

Allergies: None.

Psychiatric: Increased irritability and sometimes agitated since the head injury of May 23, 2018.

Constitutional: Forgetfulness, headaches, loss of sleep.

Metabolic: Some thyroid problems.

Vision: She indicates blurred vision that she associates with headache and affecting primarily the left eye.

Neurologic: Headaches, problems with memory, tingling in the hands and feet, agitation and difficulty with focus and concentration.

Gynecologic: She indicates five children, currently ages 32, 38, 40, 41, and 51.

INTERVENTIONAL TREATMENT

No injections. No chiropractic treatment. No physical therapy. She also indicates no cognitive therapy and no psychotherapy.

PAST MEDICAL RECORDS: I reviewed a general medical evaluation from April 2018 which

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indicates a follow up for a prior assessment for vertigo. The vertigo was ultimately judged to be labyrinthitis. She was treated with Levaquin and amoxicillin, and this had resolved. During dependency of that treatment course, they had also ordered a brain MRI which was carried out on June 4, 2018, after the symptoms had fully resolved based on the other notes. This was remarkable, essentially only for demonstrating some subcortical FLAIR abnormalities.

PHYSICAL EXAMINATION: Of note, this is a telemedicine visit. She is a pleasant woman in no acute distress, able to cooperate fully with the examination. General physical exam is within normal limits.

NEUROLOGIC EXAMINATION: I carried out a partial Zoom neurologic exam as set forth. Several sources such as Al Hussona, *Canadian Journal of Neurological Science*, 2020, Basil et al, Cureus 2021, and Haddad, Neurospine 2021.

Speech and orientation are entirely normal. She is oriented to person, place, and time.

Cranial nerve examination:

Cranial nerve I: She reports normal taste and olfactory function.

Cranial nerve II: No visual field cuts could be identified by examination.

Cranial nerves III, IV, and VI: The extraocular movements are intact. The pupils are equal, round, and react to light and accommodation. Visual pursuits in each of six primary directions reveal that she has discomfort on down-gaze to the right and left. The visual saccades revealed some discomfort as well on right to left saccades. Convergence was at 8 inches which demonstrates mild internuclear ophthalmoplegia, possibly appropriate for age.

Cranial nerve V: Sensation is symmetric, right and left face to finger tracking along the skin surface.

Cranial nerve VII: Face movement is symmetric. Masseter function is intact both bilaterally.

Cranial nerve VIII: Using a finger rub test, we did identify an asymmetry with hearing being better on the right than on the left.

Cranial nerve IX and X: The uvula and palate elevate in the midline.

Cranial nerve XI: Head turn and shoulder shrug are intact.

Cranial nerve XII: The tongue protrudes in the midline and moves left to right without difficulty. No fasciculations are observed.

Cerebellar testing, firstly on fine finger maneuver, she demonstrates an intention tremor bilaterally on attempted fine movements which I observed. Further, as to cerebellar abnormalities which may correlate with a fairly significant middle cerebellar peduncle abnormality consistent with trauma in a contrecoup location in the fractional anisotropy evaluation in the right middle cerebellar peduncle noting that additional evaluation performed on this examination was assessment for tandem walking or heel-to-toe walking and she was grossly unsteady which again would correlate with the consequence of the traumatic injury of the middle cerebellar peduncle.

Additional physical exam findings include having her palpate circumferentially point-by-point around her base of her neck, and identifying a left middle scalene pain, most likely persistent and consistent with being residual thoracic outlet syndrome symptom. She had some sensitivity raising the arm to 180 degrees, most likely because of the scalene syndrome.

REVIEW OF RADIOLOGICAL STUDIES: The FLAIR abnormalities which are seen include

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several which are subcortical in location which are essentially seen on the subsequent study we performed two years later in 2020 and the greatest concentration of those are in the axial T2 FLAIR images at slice 18 at approximately the 2 o'clock position, subcortical, several of these. These are essentially immediately below the area on the scalp where she had the bruising, although there are some which appear to be contrecoup lesions as well. An additional separate pair of FLAIR abnormalities were seen in slice 17 at the 1:30 position and several lower down at slice 14 at the 1:00 o'clock and 2:30 positions, all consistent with this focus of injury. Those are also well visualized in, for instance, in the coronal FLAIR images which is series 19 at frame 12, and at frame 9 and by correlation in the sagittal plane in frame 24 of series 5 and then also frame 27 and frame 29 noting in regard to the contrecoup.

There is a contrecoup SWI abnormality at frame 15, series 16, the SWI image at approximately the 11:00 position. Although the MRI scan that shows these abnormalities was performed on June 4, 2018, just around nearly two weeks out from the fall, the formation of FLAIR abnormalities such as this occurs rapidly commencing within 48 hours of injury. See, for instance, the paper by Ricciardi and colleagues, *Journal of Neurotrauma* volume 34 page 23 from 2017. Therefore, confirming adequate time for these lesions to have developed since they are all concentrated near the point of impact demonstrated by the bruise in the photograph, and they are still present. This would be most consistent with further evidence of brain injury at the time of the fall and that the onset of these abnormalities correlates with the point of impact and any intervening events between 2018 and 2020 that did not have this degree of force of impact would not be contributory. Any prior impacts that perhaps affected a different area of the head would not have caused this particular focal pattern of subcortical dramatic pattern FLAIR abnormalities.

The other issue from the brain MRI of 2018, which is seen again in our 2020 study, is the fusiform terminal carotid aneurysmal dilatations. This type of terminal carotid or paraclinoid or optic nerve level aneurysm has an extremely low risk of rupture. Routinely, it is given as a rate of 0.12% risk of rupture annually, and against this is the fact that aneurysm clipping in this location has an extraordinarily high risk for visual impairment either impairing eye movement by affecting eye muscles and cranial nerves III, IV, and VI innervation of eye muscles or direct effect on the optic nerve impairing vision. Given the high morbidity and the very low risk of rupture and the extreme difficulty of access, surgical treatment of this particular location of a cerebral aneurysm is generally deferred in a patient of this age. An endovascular treatment is feasible but also fraught with risk, and again difficult sometimes to justify when you compare the high risk of treatment to the low risk of rupture. Again, in the context of the age of the patient. We concurred with the initial evaluation of deferring intervention on the aneurysmal dilatation.

IMPRESSION AND PLAN: Based on the history, exam, data, and findings, it is my impression overall, that she very likely did suffer a traumatic brain injury. She certainly had a slip-and-fall while walking to the restroom, and the photography from the date of injury shows external bruising. The MRI scan obtained 12 days after the fall demonstrates FLAIR abnormalities immediately below the point where the external trauma is demonstrated consistent with brain injury and then there is a contrecoup SWI abnormality, microhemorrhage also consistent with these. Given her ongoing symptoms of post concussive syndrome, I have a number of recommendations.

Firstly, because of her type of work and the significant impairment of new memory formation, together with the evidence of fornix injury due to trauma on her imaging study, I recommend she

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start Aricept. I have prescribed that and have advised her to start with a low dose of 5 mg. She will discontinue if she has any side effects such as nausea or dizziness. If that turns out to be the case we can try a different agent such as Namenda. If she tolerates the Aricept well and it is helpful, I may increase the dose and nonetheless still add the second agent, because Namenda adds not only further improvement on new memory formation but can be helpful with access of recent past memories. We will commence that line of approach.

Additionally, she has a number of problematic post concussive symptoms which are highly susceptible to treatment. I primarily recommend TMS or transcranial magnetic stimulation which of note, was FDA approved subsequent to the prior evaluations and now is in active clinical use and we have extensive experience with this. It can be very helpful for the treatment of post concussive symptoms such as excess anger and irritability, depression, and anxiety as well as insomnia, all of which are problems for her. She has tinnitus and it can be helpful for tinnitus as well. However, her tinnitus is not too severe overall.

We will follow up with regard to the start of the Aricept and her response and toleration of the Aricept and we will make recommendations about proceeding with a course of TMS treatments. I will make any additional recommendations as the results of these therapeutic interventions become clear.

I have now had a chance to review more records from before and after the fall, and to see the patient by telemedicine interview, and conduct a telemedicine neurologic examination. It is my impression to a reasonable degree of medical certainty that the fall that she suffered on May 23, 2018, was due to extrinsic factors such as she describes a slipperiness on the floor and that it did cause sufficient impact to have produced post concussive symptoms. The various image findings identified on our 2020 brain DTI study are compatible with these. Additionally, going through the abnormalities identified in that imaging study, it is my opinion to a reasonable degree of medical certainty that the injury seen there such as the injury to the right middle cerebellar peduncle seen on the FA analysis relate to her balance problems. The results demonstrating fornix injury would have been causative for her problems with new memory formation. The frontal lobe abnormality would have been causative to a reasonable degree of medical certainty for the excess anger and irritability. Therefore, going forward the relevant treatments should be carried out based on these findings and the additional details of the prior imaging further support my opinion on causation.

Orders/Recommendations:

Medication: Aricept 5mg by mouth daily

TMS: for anger and irritability, depression, anxiety and insomnia. (3 locations)

A handwritten signature in black ink, appearing to read "A. Filler", with a stylized, flowing script.

Aaron Filler, MD, PhD, FRCS
Chief of Clinical Services
Institute for Nerve Medicine

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Center for Advanced Spinal Neurosurgery

EXHIBIT B

**U.S. District Court
Eastern District of Virginia – (Newport News)
CIVIL DOCKET FOR CASE #: 4:20-cv-00121-EWH-RJK**

Haysbert v. Bloomin' Brands, Inc. et al
Assigned to: District Judge Elizabeth W. Hanes
Referred to: Magistrate Judge Robert J. Krask
Demand: \$2,500,000
Case in other court: Circuit Court for the City of Hampton,
CL20001427-00
Cause: 28:1332 Diversity-Notice of Removal

Date Filed: 07/31/2020
Date Terminated: 01/30/2024
Jury Demand: Both
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

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Abigail Jane Johansen

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TERMINATED: 06/21/2021

Nicholas Lawrence

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TERMINATED: 11/22/2021

Interested Party

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Date Filed	#	Docket Text
07/31/2020	<u>1</u>	Notice of Removal (Filing fee \$ 400, receipt number 0422-7329878.), , filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Civil Cover Sheet)(McGavin, John) (Entered: 07/31/2020)
07/31/2020		Initial Case Assignment to District Judge Rebecca Beach Smith and Magistrate Judge Douglas E. Miller. (epri,) (Entered: 07/31/2020)
07/31/2020	<u>2</u>	Magistrate Judge Notice and Judge's Information to counsel. (epri,) (Entered: 07/31/2020)
07/31/2020	<u>3</u>	COPY OF ANSWER to Complaint (Notice of Removal) by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (epri,) (Entered: 07/31/2020)
07/31/2020		Notice of Correction re <u>1</u> Notice of Removal. As required by Local Rule 7.1, the filing user is directed to file a financial disclosure statement within seven days of the party's first appearance. (epri,) (Entered: 07/31/2020)
07/31/2020		Referred for 16(b). (epri,) (Entered: 07/31/2020)
08/06/2020	<u>4</u>	MOTION to Amend/Correct <u>1</u> Notice of Removal, by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit)(McGavin, John) (Entered: 08/06/2020)
08/06/2020	<u>5</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Bloomin' Brands, Inc.. (McGavin, John) (Entered: 08/06/2020)
08/06/2020	<u>6</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 08/06/2020)
08/07/2020	<u>7</u>	RULE 26(f) PRETRIAL ORDER: Rule 16(b) Scheduling Conference set for 9/1/2020 at 09:00 AM in Norfolk. Signed by Magistrate Judge Douglas E. Miller on August 7, 2020. (sche) (Entered: 08/07/2020)
08/24/2020		Rule 16(b) Scheduling Conference reset for 8/31/2020 at 11:00 AM in Norfolk - Clerk's Office. (lbax,) (Entered: 08/24/2020)

08/26/2020	<u>8</u>	MOTIONS REFERRED to Magistrate Judge: Douglas E. Miller. <u>4</u> MOTION to Amend/Correct <u>1</u> Notice of Removal, (clou,) (Entered: 08/26/2020)
08/27/2020	<u>9</u>	ORDER granting <u>4</u> Motion to Amend/Correct Notice of Removal. The Defendant shall refile the Corrected Notice of Removal attached to the Motion (ECF No. 4-1) as a separate ECF filing within 7 days of the date of this electronic order. Signed by Magistrate Judge Douglas E. Miller on August 27, 2020. (Miller, Douglas) (Entered: 08/27/2020)
08/27/2020	<u>10</u>	NOTICE by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC re <u>1</u> Notice of Removal, <i>Corrected Notice of Removal</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(McGavin, John) (Entered: 08/27/2020)
08/31/2020		Scheduling Conference – Rule 16b held on 8/31/2020. (sche) (Entered: 08/31/2020)
08/31/2020	<u>11</u>	Motion to appear Pro Hac Vice by Nazareth M. Haysbert and Certification of Local Counsel Stephen C. Teague Filing fee \$ 75, receipt number 0422-7376750. by Joann Wright Haysbert. (Teague, Stephen) (Entered: 08/31/2020)
09/01/2020	<u>12</u>	Order Rule 16(b) Scheduling Order – Pursuant to the Rule 16(b) Conference it is ordered that the Final Pretrial Conference is set for 6/1/2021 at 10:00 AM in Norfolk. Jury Trial is set for 6/15/2021 at 11:00 AM in Norfolk. Signed by District Judge Rebecca Beach Smith on August 31, 2020. (sche) (Entered: 09/01/2020)
09/02/2020		Notice of Correction re <u>11</u> Motion to appear Pro Hac Vice by Nazareth M. Haysbert and Certification of Local Counsel Stephen C. Teague Filing fee \$ 75, receipt number 0422-7376750. The motion does not contain the signature of the applicant. Local counsel should file a corrected motion that includes the written signature of the applicant. Counsel should not pay a second fee. (tlev,) (Entered: 09/02/2020)
09/08/2020	<u>13</u>	Motion to appear Pro Hac Vice by Nazareth M. Haysbert and Certification of Local Counsel Stephen C. Teague by Joann Wright Haysbert. (Teague, Stephen) (Entered: 09/08/2020)
09/10/2020	<u>14</u>	ORDER granting <u>13</u> Motion for Pro hac vice for Nazareth Monoah Haysbert as to Joann Wright Haysbert. Signed by District Judge Rebecca Beach Smith on 9-10-20. (tlev,) (Entered: 09/10/2020)
11/17/2020		MOTIONS REFERRED to Magistrate Judge: Douglas E. Miller. <u>15</u> MOTION for Protective Order <i>Ex Parte</i> (clou,) (Entered: 11/17/2020)
11/18/2020	<u>17</u>	MOTION to Compel <i>Discovery Responses by Plaintiff</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 11/18/2020)
11/18/2020	<u>18</u>	Memorandum in Support re <u>17</u> MOTION to Compel <i>Discovery Responses by Plaintiff</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit)(McGavin, John) (Entered: 11/18/2020)
11/18/2020	<u>19</u>	Opposition to <i>Plaintiff's Ex Parte Application for Protective Order ECF 15 (Ex Parte)</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 11/18/2020)
11/19/2020	<u>20</u>	NOTICE of Appearance by Abigail Jane Johansen on behalf of Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC (Johansen, Abigail) (Entered: 11/19/2020)
11/24/2020	<u>21</u>	NOTICE of Appearance by David Adam McKelvey on behalf of Joann Wright Haysbert (McKelvey, David) (Entered: 11/24/2020)
11/24/2020	<u>22</u>	<i>Supplemental Declaration of Nazareth M. Haysbert In Support of 15 Plaintiff's Ex Parte Application for Protective Order</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit B-C)(McKelvey, David) Modified text on 11/25/2020 (tamarm,). (Entered: 11/24/2020)
11/24/2020	<u>23</u>	Plaintiff's Request for Judicial Notice in Support of 15 Plaintiff's Ex Parte Application for Protective Order filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order)(McKelvey, David) Modified text on 11/25/2020 (tamarm,). (Entered: 11/24/2020)

11/24/2020	<u>24</u>	MOTION to Substitute Attorney by Joann Wright Haysbert. (McKelvey, David) Modified on 11/25/2020; Document removed; see Notice of Correction (tamarm,). (Entered: 11/24/2020)
11/24/2020	<u>25</u>	Reply to Motions Referred <i>Reply in Support Motion Protective Order</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 11/24/2020)
11/25/2020		Notice of Correction re 24 MOTION to Substitute Attorney. Proposed Order was filed as main document; no motion was filed. Attorney notified to file a Motion to Substitute Attorney and attach the Proposed Order to the Motion. (tamarm,) (Entered: 11/25/2020)
11/25/2020		MOTIONS REFERRED to Magistrate Judge Miller. 15 MOTION for Protective Order <i>Ex Parte</i> (tamarm,) (Entered: 11/25/2020)
11/25/2020		Set Deadlines as to 15 MOTION for Protective Order <i>Ex Parte</i> . Motion Hearing set for 12/2/2020 at 10:00 AM in Norfolk Remote before Magistrate Judge Douglas E. Miller. (cdod,) (Entered: 11/25/2020)
11/30/2020	<u>26</u>	MOTION to Substitute Attorney by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 11/30/2020)
12/02/2020	<u>27</u>	Consent ORDER granting <u>26</u> MOTION to Substitute Attorney. Copies distributed to all counsel. Signed by District Judge Rebecca Beach Smith on 12/2/2020. (clou,) (Entered: 12/02/2020)
12/02/2020	<u>28</u>	Memorandum in Opposition re <u>17</u> MOTION to Compel <i>Discovery Responses by Plaintiff</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Supplement Declaration, # <u>2</u> Exhibit A-E)(McKelvey, David) (Entered: 12/02/2020)
12/02/2020	<u>29</u>	Minute Entry for proceedings held before Magistrate Judge Douglas E. Miller: Motion Hearing held on 12/2/2020 re 15 MOTION for Protective Order <i>Ex Parte</i> filed by Joann Wright Haysbert. Matter came on for hearing on pending Motion For Protective Order (#15). Present via zoom were David McKelvey, Stephen Teague and Nazareth Haysbert on behalf of the plaintiff. John McGavin present on behalf of the defendant. Mr. Haysbert argued the motion and Mr. McGavin responded. The Court made rulings on the record and will issue a short order. The Court granted the motion with limited relief. The Court directed that any of the plaintiffs medical records that are produced by plaintiff or obtained by subpoena shall be used for the sole purpose of litigation and shall not be disclosed to the public. An order shall enter. Hearing adjourned. (Court Reporter Carol Naughton, OCR.)(cdod,) (Entered: 12/03/2020)
12/03/2020	<u>30</u>	ORDER re 15 MOTION for Protective Order <i>Ex Parte</i> . See order for details. Copies distributed to all counsel. Signed by Magistrate Judge Douglas E. Miller on 12/3/2020. (clou,) (Entered: 12/03/2020)
12/07/2020	<u>31</u>	REPLY to Response to Motion re <u>17</u> MOTION to Compel <i>Discovery Responses by Plaintiff</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 12/07/2020)
12/08/2020		MOTIONS REFERRED to Magistrate Judge: Douglas E. Miller. <u>17</u> MOTION to Compel <i>Discovery Responses by Plaintiff</i> (clou,) (Entered: 12/08/2020)
12/10/2020		Motion Hearing <u>17</u> Motion to Compel set for 12/18/2020 at 11:00 AM w/OCR in Norfolk Remote before Magistrate Judge Douglas E. Miller. (lwoo) (Entered: 12/10/2020)
12/11/2020		Set/Reset Deadlines as to <u>17</u> MOTION to Compel <i>Discovery Responses by Plaintiff</i> . Motion Hearing RESET for 12/18/2020 at 10:00 AM in Norfolk Remote via Zoom w/ OCR before Magistrate Judge Douglas E. Miller. (jjon) (Entered: 12/11/2020)
12/18/2020	<u>32</u>	Minute Entry for proceedings held before Magistrate Judge Douglas E. Miller: Motion Hearing held on 12/18/2020 re <u>17</u> MOTION to Compel <i>Discovery Responses by Plaintiff</i> filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc.. Matter came on for hearing on Motion to Compel (#17). Present via zoom were David McKelvey and Nazareth Haysbert on behalf of the plaintiff and John McGavin on behalf of the defendant. Mr. McGavin informed the Court of the progress made by the parties with regard to the issues in the motion. Mr. Haysbert responds. The Court goes through all of the issues in the motion and makes rulings on the record. A short order

		will be entered. Hearing adjourned. (Court Reporter Heidi Jeffreys, OCR.)(cdod,) (Entered: 12/18/2020)
12/18/2020	<u>33</u>	ORDER re <u>17</u> MOTION to Compel Discovery Responses by Plaintiff. See order for specific details. Copies distributed as directed. Signed by Magistrate Judge Douglas E. Miller on 12/18/2020. (clou) (Entered: 12/18/2020)
02/11/2021	<u>34</u>	MOTION to Quash <i>Notices of Deposition and Inspection</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Supplement, # <u>2</u> Proposed Order)(McGavin, John) (Entered: 02/11/2021)
02/12/2021		Notice of Correction re <u>34</u> MOTION to Quash <i>Notices of Deposition and Inspection</i> . Document number 34 contains more than one pleading or motion for relief. The Memorandum in support should not be filed as an attachment to the Motion to Quash. It should be filed as a separate entry and linked back to the Motion. Please re-file the Memorandum in Support as a separate entry and link it back to the motion. (mrees,) (Entered: 02/12/2021)
02/12/2021	<u>35</u>	Memorandum in Support re <u>34</u> MOTION to Quash <i>Notices of Deposition and Inspection</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 02/12/2021)
02/16/2021	<u>36</u>	MOTION to Compel with brief in support , <i>Determine Sufficiency & for Spoliation of Evidence</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit Exhibits A–M, # <u>3</u> Proposed Order)(McKelvey, David) Modified text to match document on 2/19/2021 (mrees,). (Entered: 02/16/2021)
02/16/2021	<u>37</u>	MOTION to Amend/Correct with brief in support <i>Complaint</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–C, # <u>3</u> Exhibit Amended Complaint, # <u>4</u> Proposed Order)(McKelvey, David) Modified text to match document on 2/19/2021 (mrees,). (Entered: 02/16/2021)
02/16/2021	<u>38</u>	MOTION to Remand to State Court with brief in support by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Errata A, # <u>3</u> Proposed Order)(McKelvey, David) Modified text to match document on 2/19/2021 (mrees,). (Entered: 02/16/2021)
02/16/2021	<u>39</u>	MOTION to Expedite <i>Hearing</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–C, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 02/16/2021)
02/19/2021		Notice of Correction re <u>38</u> MOTION to Remand to State Court , <u>39</u> MOTION to Expedite <i>Hearing</i> , <u>36</u> MOTION to Compel , <i>Determine Sufficiency & for Spoliation of Evidence</i> , <u>37</u> MOTION to Amend/Correct <i>Complaint</i> . Future motions and briefs in support should either be separated linking the memorandum in support back to the motion or note in the docket text that the motion contains a brief in support. (mrees,) (Entered: 02/19/2021)
02/19/2021		Notice of Correction re <u>36</u> MOTION to Compel , <i>Determine Sufficiency & for Spoliation of Evidence</i> . Document number 36 does not meet the requirements for Local Civil Rule 7(F). Except for good cause shown in advance of filing, opening and responsive briefs, exclusive of affidavits and supporting documentation, shall not exceed thirty (30) 8–1/2 inch x 11 inch pages double–spaced and rebuttal briefs shall not exceed twenty (20) such pages. Please refile the brief pursuant to Local Civil Rule 7(F). (mrees,) (Entered: 02/19/2021)
02/19/2021		Notice of Correction re <u>39</u> MOTION to Expedite <i>Hearing</i> . Document number 39 does not match the docket text. Please refile the document using the correct event. (mrees,) (Entered: 02/19/2021)
02/19/2021	<u>40</u>	MOTION to Expedite <i>HEARING FOR MOTIONS FOR LEAVE TO AMEND COMPLAINT AND TO REMAND, OR IN THE ALTERNATIVE, EXTENDING TRIAL AND PRETRIAL DATES AND DEADLINES BY 90 DAYS FOR GOOD CAUSE (Memorandum in Support Contained in Motion Text)</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–C, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 02/19/2021)

02/19/2021	<u>41</u>	MOTION to Compel <i>Responses to Interrogatories and Production of Documents by Defendants and to Determine the Sufficiency of Responses to Requests for Admission by Defendants (memorandum in support is part of motion text)</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–D, F & H–M, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 02/19/2021)
02/19/2021	<u>42</u>	MOTION for Sanctions <i>Due to Spoliation of Evidence (memorandum in support is in text of motion)</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit E1–E3 & G, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 02/19/2021)
03/01/2021	<u>43</u>	MOTION to Compel by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 03/01/2021)
03/01/2021	<u>44</u>	Memorandum in Support re <u>43</u> MOTION to Compel filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 03/01/2021)
03/02/2021	<u>45</u>	Opposition to <u>37</u> MOTION to Amend/Correct <i>Complaint</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(McGavin, John) (Entered: 03/02/2021)
03/02/2021	<u>46</u>	Opposition to <u>38</u> MOTION to Remand to State Court filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(McGavin, John) (Entered: 03/02/2021)
03/04/2021	<u>47</u>	NOTICE by Joann Wright Haysbert of <i>Request for Oral Hearing</i> (McKelvey, David) (Entered: 03/04/2021)
03/04/2021	<u>48</u>	Memorandum in Opposition re <u>42</u> MOTION for Sanctions <i>Due to Spoliation of Evidence (memorandum in support is in text of motion)</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 03/04/2021)
03/05/2021	<u>49</u>	Memorandum in Opposition re <u>41</u> MOTION to Compel <i>Responses to Interrogatories and Production of Documents by Defendants and to Determine the Sufficiency of Responses to Requests for Admission by Defendants (memorandum in support is part of motion text)</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 03/05/2021)
03/08/2021	<u>50</u>	REPLY to Response to Motion re <u>37</u> MOTION to Amend/Correct <i>Complaint (Plaintiff's Reply to Defendant's Opposition to Motion for Leave to Amend Complaint)</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit D)(McKelvey, David) (Entered: 03/08/2021)
03/08/2021	<u>51</u>	REPLY to Response to Motion re <u>38</u> MOTION to Remand to State Court (<i>Plaintiff's Reply to Defendants' Opposition to Motion to Remand</i>) filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 03/08/2021)
03/10/2021	<u>52</u>	REPLY to Response to Motion re <u>42</u> MOTION for Sanctions <i>Due to Spoliation of Evidence (memorandum in support is in text of motion)</i> (<i>PLAINTIFFS REPLY TO DEFENDANTS OPPOSITION TO MOTION FOR SANCTIONS DUE TO SPOILIATION OF EVIDENCE</i>) filed by Joann Wright Haysbert. (McKelvey, David) (tameub,). (Entered: 03/10/2021)
03/11/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>42</u> MOTION for Sanctions <i>Due to Spoliation of Evidence</i> (jhie,) (Entered: 03/11/2021)
03/11/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>40</u> MOTION to Expedite (jhie,) (Entered: 03/11/2021)
03/11/2021	<u>53</u>	Order: It is ORDERED that U.S. Magistrate Judge Douglas E. Miller is designated to conduct hearings, etc. and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of Motion for Leave to Amend and Motion to Remand to State Court. Signed by District Judge Rebecca Beach Smith on 3/11/2021. (afar) (Entered: 03/11/2021)
03/11/2021	<u>54</u>	REPLY to Response to Motion re <u>41</u> MOTION to Compel <i>Responses to Interrogatories and Production of Documents by Defendants and to Determine the Sufficiency of Responses to Requests for Admission by Defendants (memorandum in support is part of motion text)</i> (<i>Plaintiff's Reply to Defendants' Opposition to Motion to Compel and Motion to Determine Sufficiency of Responses to Requests for Admission</i>)

		filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 03/11/2021)
03/12/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>41</u> MOTION to Compel (jhie,) (Entered: 03/12/2021)
03/16/2021	<u>55</u>	Memorandum in Opposition re <u>43</u> MOTION to Compel (<i>Plaintiff's Opposition to Defendants' Motion to Compel the Deposition of the Plaintiff and the Independent Medical Examination with Dr. Neil Pugaach, MD</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–G)(McKelvey, David) (Entered: 03/16/2021)
03/16/2021		Set Deadlines as to <u>42</u> MOTION for Sanctions <i>Due to Spoliation of Evidence (memorandum in support is in text of motion)</i> , <u>38</u> MOTION to Remand to State Court , <u>37</u> MOTION to Amend/Correct Complaint, <u>41</u> MOTION to Compel Responses to Interrogatories and Production of Documents by Defendants and to Determine the Sufficiency of Responses to Requests for Admission by Defendants (<i>memorandum in support is part of motion text</i>), <u>34</u> MOTION to Quash Notices of Deposition and Inspection, <u>43</u> MOTION to Compel . Motion Hearing set for 3/30/2021 at 10:30 AM in Norfolk Remote before Magistrate Judge Douglas E. Miller. (cdod,) (Entered: 03/16/2021)
03/31/2021	<u>56</u>	REVISED RULE 16B ORDER terminating as moot <u>34</u> Motion to Quash; granting in part <u>40</u> Motion to Expedite and was resolved by the scheduling of the hearing on 3/30/2021 and the rulings made by the court; taking under advisement <u>37</u> Motion to Amend/Correct and <u>38</u> Motion to Remand to State Court and the court will issue a Report and Recommendation; taking under advisement <u>42</u> Motion for Sanctions and directing the parties to file supplemental declarations supporting their arguments within fourteen (14) days of the hearing; granting <u>43</u> Motion to Compel; granting in part and denying in part <u>41</u> Motion to Compel; further granting plaintiff's request for an extension of discovery deadlines and continuing for sixty (60) days all discovery deadlines fixed in the court's Rule 16b Order and establishing new deadlines for discovery and preparation of the Final Pretrial Order; finally removing from the docket the presently scheduled final pretrial conference on 6/1/2021 and the jury trial on 6/15/2021; directing the parties to confer with the District Judge's courtroom deputy to reset the trial and FPTC, as necessary, following the resolution of the pending Motion to Remand. Signed by Magistrate Judge Douglas E. Miller on March 31, 2021. (sche) (Entered: 03/31/2021)
03/31/2021	<u>57</u>	Minute Entry for proceedings held before Magistrate Judge Douglas E. Miller: Motion Hearing held on 3/31/2021 re <u>43</u> MOTION to Compel filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., <u>38</u> MOTION to Remand to State Court filed by Joann Wright Haysbert, <u>42</u> MOTION for Sanctions <i>Due to Spoliation of Evidence (memorandum in support is in text of motion)</i> filed by Joann Wright Haysbert, <u>34</u> MOTION to Quash <i>Notices of Deposition and Inspection</i> filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., <u>40</u> MOTION to Expedite <i>HEARING FOR MOTIONS FOR LEAVE TO AMEND COMPLAINT AND TO REMAND, OR IN THE ALTERNATIVE, EXTENDING TRIAL AND PRETRIAL DATES AND DEADLINES BY 90 DAYS FOR GOOD CAUSE (Memorandum in Support Contained in Motion Text)</i> filed by Joann Wright Haysbert, <u>41</u> MOTION to Compel Responses to Interrogatories and Production of Documents by Defendants and to Determine the Sufficiency of Responses to Requests for Admission by Defendants (<i>memorandum in support is part of motion text</i>) filed by Joann Wright Haysbert, <u>37</u> MOTION to Amend/Correct Complaint filed by Joann Wright Haysbert. Proceedings: Matter came on for hearing on pending motions (#34) to quash, (#37) to amend the complaint, (#38) to remand, (#40) to expedite hearing, (#41) to compel, (#42) for sanctions, (#43) to compel. Present via zoom were David McKelvey and Nazareth Haysbert on behalf of the plaintiff and John McGavin on behalf of the defendant. The Court ruled the motion to quash (#34) as moot based on the passage of time. The motion to expedite the hearing (#40) is granted in part, as a hearing is now being held. The Court heard argument on the motions to amend the complaint (#37) and to remand (#38) and will issue a report and recommendation. The Court directed counsel to provide additional factual proffers as to the motion for sanctions (#42) and will issue an opinion following supplemental submissions. Argument was heard on the motions to compel (#41) and (#43). Motion to compel (#43) was GRANTED. Motion to compel (#41) was GRANTED IN PART and DENIED IN PART. Rulings made on the record and discovery deadlines continued 60 days. A revised scheduling order will be entered. Hearing adjourned.

		(Court Reporter Heidi Jeffreys, OCR.)(cdod,) (Entered: 03/31/2021)
04/06/2021	<u>58</u>	TRANSCRIPT of proceedings (motions hearing by video conference) held on 03/30/2021, before Judge Douglas E. Miller, Court Reporter/Transcriber Heidi Jeffreys, Telephone number 757-222-7075. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 5/6/2021. Redacted Transcript Deadline set for 6/7/2021. Release of Transcript Restriction set for 7/6/2021.(jeffreys, heidi) (Entered: 04/06/2021)
04/07/2021	<u>59</u>	REPORT AND RECOMMENDATION re <u>37</u> MOTION to Amend/Correct Complaint, <u>38</u> MOTION to Remand to State Court. Objections due within 14 days of the date of this Order. Signed by Magistrate Judge Douglas E. Miller on 4/7/21. (jhie,) (Entered: 04/07/2021)
04/09/2021	<u>60</u>	Declaration <i>Defendants' Supplement to the Memorandum in Opposition to Plaintiff's Motion for Sanctions Due to Spoliation of Evidence</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Johansen, Abigail) (Entered: 04/09/2021)
04/13/2021	<u>61</u>	AFFIDAVIT in Support re <u>37</u> MOTION to Amend/Correct <i>Complaint Declaration of Kristina Perry Re: Search</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 04/13/2021)
04/13/2021	<u>62</u>	AFFIDAVIT <i>with Attachments</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Johansen, Abigail) (Entered: 04/13/2021)
04/13/2021	<u>63</u>	AFFIDAVIT in Support re <u>37</u> MOTION to Amend/Correct <i>Complaint [Corrected] Declaration of Kristina Perry</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 04/13/2021)
04/13/2021	<u>64</u>	AFFIDAVIT in Support re <u>37</u> MOTION to Amend/Correct <i>Complaint Declaration of Nineveh Lynn Haysbert</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 04/13/2021)
04/13/2021	<u>65</u>	Objections to Magistrate Judge's Ruling or Recommendation re <u>56</u> Order on Motion to Quash,,,,, Order on Motion to Amend/Correct,,,,, Order on Motion to Remand to State Court,,,,, Order on Motion to Expedite,,,,, Order on Motion to Compel,,,,, Order on Motion for Sanctions,,,,,, <i>Plaintiff's Notice of Objections and Request for Review of Magistrate Judge's Order on Plaintiff's Motion to Compel</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit A)(McKelvey, David) Modified text on 4/23/2021 (jhie,). (Entered: 04/13/2021)
04/13/2021	<u>66</u>	Brief in Support to <u>42</u> MOTION for Sanctions <i>Due to Spoliation of Evidence (memorandum in support is in text of motion) Plaintiff's Supplemental Briefing in Support of Plaintiff's Motion for Sanctions Due to Spoliation of Evidence</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit 1-8, # <u>2</u> Supplement Declaration)(McKelvey, David) (Entered: 04/13/2021)
04/21/2021	<u>67</u>	Discovery Request by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order Granting Request)(McKelvey, David) (Entered: 04/21/2021)
04/21/2021	<u>68</u>	Objections to Magistrate Judge's Ruling or Recommendation re <u>59</u> REPORT AND RECOMMENDATIONS re <u>38</u> MOTION to Remand to State Court filed by Joann Wright Haysbert, <u>37</u> MOTION to Amend/Correct <i>Complaint</i> filed by Joann Wright Haysbert <i>Plaintiff's Notice of Objections and Request for Review of Magistrate Judge's Report and Recommendation Regarding Plaintiff's Motions to Amend and to Remand</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4)(McKelvey, David) (Entered: 04/21/2021)
04/21/2021	<u>69</u>	Plaintiff's Request for Judicial Notice in Support of <u>68</u> Notice of Objections and Request for Review of Magistrate Judge's Report and Recommendation Regarding Plaintiff's Motions to Amend and to Remand re <u>68</u> Motion Re: Objections to

		Magistrate Judge's Ruling or Recommendation re <u>59</u> REPORT AND RECOMMENDATIONS re <u>38</u> MOTION to Remand to State Court filed by Joann Wright Haysbert, <u>37</u> MOTION to Amend/Correct <i>Complaint</i> filed by by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit 1–4)(McKelvey, David) Modified text on 4/23/2021 (afar). (Entered: 04/21/2021)
04/22/2021	<u>70</u>	MOTION Joint Stipulation to Continue Discovery Deadlines and Set Trial and Related Dates (Filed Pursuant to Rule 29 (b)) (<i>Corrected Document 67</i>) by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 04/22/2021)
04/22/2021	<u>71</u>	MOTION for Protective Order by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 04/22/2021)
04/22/2021	<u>72</u>	Memorandum in Support re <u>71</u> MOTION for Protective Order filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 04/22/2021)
04/23/2021		MOTIONS REFERRED to Magistrate Judge: <u>70</u> MOTION Joint Stipulation to Continue Discovery Deadlines and Set Trial and Related Dates (Filed Pursuant to Rule 29 (b)) (<i>Corrected Document 67</i>) (jhie,) (Entered: 04/23/2021)
04/23/2021	<u>73</u>	MOTION for Sanctions <i>For Failure to Obey Discovery Orders</i> by Joann Wright Haysbert. (McKelvey, David) (Entered: 04/23/2021)
04/23/2021	<u>74</u>	Memorandum in Support re <u>73</u> MOTION for Sanctions <i>For Failure to Obey Discovery Orders</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–G, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 04/23/2021)
04/23/2021	<u>75</u>	ORDER granting in part <u>70</u> Joint Stipulation to Continue Discovery Deadlines and Set Trial and Related Dates. ENTERED AS MODIFIED BY THE COURT. Signed by Magistrate Judge Douglas E. Miller on 4/23/21. (jhie,) (Entered: 04/23/2021)
04/23/2021		Set Deadlines/Hearings: Final Pretrial Conference set for 11/22/2021 at 10:00 AM before Magistrate Judge Douglas E. Miller. Jury Trial set for 12/7/2021 at 11:00 AM in Norfolk Mag Courtroom 2 before District Judge Rebecca Beach Smith. (jhie,) (Entered: 04/26/2021)
04/27/2021	<u>76</u>	Opposition to <u>65</u> Motion Re: Objections to Magistrate Judge's Ruling or Recommendation re <u>56</u> Order on Motion to Quash,,,,,, Order on Motion to Amend/Correct,,,,,, Order on Motion to Remand to State Court,,,,,, Order on Motion to Expedite,,,,,, Order on Motion to C filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 04/27/2021)
05/04/2021	<u>77</u>	Opposition to <i>Notice of Objections</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 05/04/2021)
05/05/2021	<u>78</u>	MOTION to Quash <i>Deposition</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 05/05/2021)
05/05/2021	<u>79</u>	Memorandum in Support re <u>78</u> MOTION to Quash <i>Deposition</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 05/05/2021)
05/06/2021	<u>80</u>	Opposition to <u>73</u> MOTION for Sanctions <i>For Failure to Obey Discovery Orders</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Proposed Order Order)(McGavin, John) (Entered: 05/06/2021)
05/07/2021	<u>81</u>	MOTION to Quash by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 05/07/2021)
05/07/2021	<u>82</u>	Memorandum in Support re <u>81</u> MOTION to Quash filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit A)(McGavin, John) (Entered: 05/07/2021)

05/11/2021	<u>83</u>	NOTICE of Appearance by Nicholas Lawrence on behalf of Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC (Lawrence, Nicholas) (Entered: 05/11/2021)
05/14/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>71</u> MOTION for Protective Order (jhie,) (Entered: 05/14/2021)
05/14/2021	<u>84</u>	MOTION for Protective Order (<i>terminate deposition of Lisa Crosby under Rule 30(d)(3)</i>) by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Lawrence, Nicholas) (Entered: 05/14/2021)
05/14/2021	<u>85</u>	Memorandum in Support re <u>84</u> MOTION for Protective Order (<i>terminate deposition of Lisa Crosby under Rule 30(d)(3)</i>) filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Proposed Order Proposed Order)(Lawrence, Nicholas) (Entered: 05/14/2021)
05/17/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>73</u> MOTION for Sanctions for Failure to Obey Discovery Orders (jhie,) (Entered: 05/17/2021)
05/17/2021	<u>86</u>	MOTION to Quash <i>Deposition of Jackie Myers, Gallagher Bassett Services, Inc. and Safety National Casualty Corporation and for Protective Order</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 05/17/2021)
05/17/2021	<u>87</u>	Memorandum in Support re <u>86</u> MOTION to Quash <i>Deposition of Jackie Myers, Gallagher Bassett Services, Inc. and Safety National Casualty Corporation and for Protective Order</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 05/17/2021)
05/17/2021	<u>88</u>	MOTION to Quash <i>May 17, 2021 Subpoena to Lisa Crosby</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Lawrence, Nicholas) (Entered: 05/17/2021)
05/17/2021	<u>89</u>	Memorandum in Support re <u>88</u> MOTION to Quash <i>May 17, 2021 Subpoena to Lisa Crosby</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Proposed Order Proposed Order)(Lawrence, Nicholas) (Entered: 05/17/2021)
05/19/2021	<u>90</u>	MOTION to Compel <i>IME of Plaintiff</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 05/19/2021)
05/19/2021	<u>91</u>	Memorandum in Support re <u>90</u> MOTION to Compel <i>IME of Plaintiff</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A)(McGavin, John) (Entered: 05/19/2021)
05/20/2021	<u>92</u>	MOTION for Extension of <i>Expert Discovery Deadlines</i> by Joann Wright Haysbert. (McKelvey, David) (Entered: 05/20/2021)
05/20/2021	<u>93</u>	Memorandum of Points & Authorities in Support of Plaintiff's Motion for Extension of <i>Expert Discovery Deadlines</i> to <u>92</u> MOTION for Extension of <i>Expert Discovery Deadlines</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Proposed Order)(McKelvey, David) (Entered: 05/20/2021)
05/20/2021	<u>94</u>	(SUBJECT TO DEFECT) Opposition to <u>78</u> MOTION to Quash <i>Deposition (Plaintiff's Opposition to Defendants' Motion to Quash Deposition of Bloomin' Brands, Inc.)</i> filed by Joann Wright Haysbert. (McKelvey, David) Modified text on 5/25/2021 (jhie,). (Entered: 05/20/2021)
05/20/2021	<u>95</u>	NOTICE to Take Deposition of Joann Wright Haysbert by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC.(McGavin, John) (Entered: 05/20/2021)
05/20/2021	<u>96</u>	Opposition to <u>81</u> MOTION to Quash <i>Deposition of Tristal Hall & Michael Bellomo</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 05/20/2021)
05/20/2021	<u>97</u>	Opposition to <u>84</u> MOTION for Protective Order (<i>terminate deposition of Lisa Crosby under Rule 30(d)(3)</i>) (<i>Plaintiff's Opposition to Defendants' Motion to Terminate Deposition of Lisa Crosby</i>) filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 05/20/2021)

05/20/2021	<u>98</u>	Second MOTION for Sanctions <i>Due to Spoliation of Evidence</i> by Joann Wright Haysbert. (McKelvey, David) (Entered: 05/20/2021)
05/20/2021	<u>99</u>	Memorandum of Points & Authorities in Support of Plaintiff's Second Motion for Sanctions <i>Due to Spoliation of Evidence</i> to <u>98</u> Second MOTION for Sanctions <i>Due to Spoliation of Evidence</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A-E, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 05/20/2021)
05/20/2021	<u>100</u>	MOTION to Quash <i>Subpoena to Hampton University</i> by Joann Wright Haysbert. (McKelvey, David) (Entered: 05/20/2021)
05/20/2021	<u>101</u>	Memorandum of Points & Authorities in Support of Plaintiff's Motion to Quash <i>Subpoena to Hampton University</i> to <u>100</u> MOTION to Quash <i>Subpoena to Hampton University</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 05/21/2021)
05/21/2021	<u>102</u>	Opposition to <u>86</u> MOTION to Quash <i>Deposition of Jackie Myers, Gallagher Bassett Services, Inc. and Safety National Casualty Corporation and for Protective Order (Plaintiff's Opposition to Defendants' Motion to Quash Deposition of Jackie Myers, Gallagher Bassett Services, Inc., and Safety National Casualty Corp. & for Protective Order)</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 05/21/2021)
05/21/2021	<u>103</u>	Memorandum (Plaintiff's Supplement to Motion to Compel Re: Defendants' Claim Notes and Incident Report & Motion for Sanctions <i>Due to Spoliation</i>) to <u>41</u> MOTION to Compel Responses to Interrogatories and Production of Documents by Defendants and to Determine the Sufficiency of Responses to Requests for Admission by Defendants (memorandum in support is part of motion text) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A-D)(McKelvey, David) (Entered: 05/21/2021)
05/21/2021	<u>104</u>	MOTION to Compel <i>Depositions</i> by Joann Wright Haysbert. (McKelvey, David) (Entered: 05/21/2021)
05/21/2021	<u>105</u>	Memorandum of Points and Authorities in Support of Plaintiff's Motion to Compel <i>Depositions</i> to <u>104</u> MOTION to Compel <i>Depositions</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A-S, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 05/21/2021)
05/21/2021	<u>106</u>	Memorandum to <u>93</u> Memorandum, filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit (Memorandum of Points & Authorities in Support of Plaintiff's Motion for Extension of Expert Discovery Deadlines)(McKelvey, David) (Entered: 05/21/2021)
05/25/2021	<u>107</u>	REPLY in Support re <u>78</u> MOTION to Quash <i>Deposition of Bloomin' Brands, Inc.</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 05/25/2021)
05/25/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>78</u> MOTION to Quash <i>Deposition</i> (jhie,) (Entered: 05/25/2021)
05/27/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>84</u> MOTION for Protective Order (<i>terminate deposition of Lisa Crosby under Rule 30(d)(3)</i>) (jhie,) (Entered: 05/27/2021)
05/27/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>81</u> MOTION to Quash (jhie,) (Entered: 05/27/2021)
05/27/2021	<u>108</u>	(SUBJECT TO DEFECT) REPLY to Response to Motion re <u>84</u> MOTION for Protective Order (<i>terminate deposition of Lisa Crosby under Rule 30(d)(3)</i>) filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit D)(Lawrence, Nicholas) (Entered: 05/27/2021)
05/27/2021	<u>109</u>	(SUBJECT TO DEFECT) REPLY in Support re <u>81</u> MOTION to Quash <i>Deposition of Tristal Hall and Michel Bellomo</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(McGavin, John) Modified text on 6/1/2021 (jhie,). (Entered: 05/27/2021)

06/01/2021		MOTION REFERRED to Magistrate Judge: Douglas E. Miller: <u>86</u> MOTION to Quash <i>Deposition of Jackie Myers, Gallagher Bassett Services, Inc. and Safety National Casualty Corporation and for Protective Order</i> (jhie,) (Entered: 06/01/2021)
06/02/2021	<u>110</u>	Opposition to <u>92</u> MOTION for Extension of <i>Expert Discovery Deadlines</i> , <u>93</u> Memorandum, filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 06/02/2021)
06/02/2021	<u>111</u>	Opposition to <u>98</u> Second MOTION for Sanctions <i>Due to Spoliation of Evidence</i> , <u>99</u> Memorandum, filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(McGavin, John) (Entered: 06/02/2021)
06/02/2021	<u>112</u>	Opposition to <u>100</u> MOTION to Quash <i>Subpoena to Hampton University</i> , <u>101</u> Memorandum, filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 06/02/2021)
06/03/2021	<u>113</u>	Opposition to <u>105</u> Memorandum, <u>104</u> MOTION to Compel <i>Depositions</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Johansen, Abigail) (Entered: 06/03/2021)
06/03/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>88</u> MOTION to Quash <i>May 17, 2021 Subpoena to Lisa Crosby</i> (jhie,) (Entered: 06/03/2021)
06/03/2021	<u>114</u>	MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Motion for Extension of Discovery Deadline</i>) by Joann Wright Haysbert. (McKelvey, David) (Entered: 06/03/2021)
06/03/2021	<u>115</u>	Memorandum of Points & Authorities in Support of Plaintiff's Motion for Extension of Discovery Deadline to <u>114</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Motion for Extension of Discovery Deadline</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–F, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 06/03/2021)
06/04/2021	<u>116</u>	Opposition to <u>103</u> Memorandum,, filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A)(McGavin, John) (Entered: 06/04/2021)
06/04/2021	<u>117</u>	REPLY to Response to Motion re <u>86</u> MOTION to Quash <i>Deposition of Jackie Myers, Gallagher Bassett Services, Inc. and Safety National Casualty Corporation and for Protective Order</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 06/04/2021)
06/04/2021		Notice of Correction: Attorney notified that leave of court is needed to file <u>117</u> REPLY to Response to Motion to Quash <i>Deposition of Jackie Myers, Gallagher Bassett Services, Inc. and Safety National Casualty Corporation and for Protective Order</i> (jhie,) (Entered: 06/04/2021)
06/08/2021		Set Deadlines as to <u>104</u> MOTION to Compel <i>Depositions</i> , <u>98</u> Second MOTION for Sanctions <i>Due to Spoliation of Evidence</i> , <u>100</u> MOTION to Quash <i>Subpoena to Hampton University</i> , <u>81</u> MOTION to Quash , <u>88</u> MOTION to Quash <i>May 17, 2021 Subpoena to Lisa Crosby</i> , <u>78</u> MOTION to Quash <i>Deposition</i> , <u>90</u> MOTION to Compel <i>IME of Plaintiff</i> , <u>84</u> MOTION for Protective Order (<i>terminate deposition of Lisa Crosby under Rule 30(d)(3)</i>), <u>92</u> MOTION for Extension of <i>Expert Discovery Deadlines</i> , <u>71</u> MOTION for Protective Order , <u>42</u> MOTION for Sanctions <i>Due to Spoliation of Evidence (memorandum in support is in text of motion)</i> , <u>86</u> MOTION to Quash <i>Deposition of Jackie Myers, Gallagher Bassett Services, Inc. and Safety National Casualty Corporation and for Protective Order</i> , <u>73</u> MOTION for Sanctions <i>For Failure to Obey Discovery Orders</i> . Motion Hearing set for 6/15/2021 at 10:30 AM in Norfolk Remote before Magistrate Judge Douglas E. Miller. (cdod,) (Entered: 06/08/2021)
06/09/2021		MOTIONS REFERRED to Magistrate Judge Douglas E. Miller: <u>92</u> MOTION for Extension of <i>Expert Discovery Deadlines</i> , <u>98</u> Second MOTION for Sanctions <i>Due to Spoliation of Evidence</i> , <u>100</u> MOTION to Quash <i>Subpoena to Hampton University</i> (jhie,) (Entered: 06/09/2021)
06/09/2021	<u>118</u>	REPLY to Response to Motion re <u>92</u> MOTION for Extension of <i>Expert Discovery Deadlines (Plaintiff's Reply in Support of Motion for Extension of Expert Deadlines)</i>

		filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Supplement Declaration, # <u>2</u> Exhibit C–F)(McKelvey, David) (Entered: 06/09/2021)
06/09/2021	<u>119</u>	REPLY to Response to Motion re <u>98</u> Second MOTION for Sanctions <i>Due to Spoliation of Evidence (Plaintiff's Reply in Support of Second Motion for Sanctions Due to Spoliation of Evidence)</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Supplement Declaration, # <u>2</u> Exhibit F, # <u>3</u> Exhibit G)(McKelvey, David) (Entered: 06/09/2021)
06/09/2021	<u>120</u>	REPLY to Response to Motion re <u>100</u> MOTION to Quash <i>Subpoena to Hampton University (Plaintiff's Reply in Support of Motion to Quash Subpoena to Hampton University)</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 06/09/2021)
06/09/2021	<u>121</u>	REPLY to Response to Motion re <u>104</u> MOTION to Compel <i>Depositions (Plaintiffs' Reply in Support of Motion to Compel Depositions)</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 06/09/2021)
06/10/2021	<u>122</u>	ORDER entered re <u>114</u> Motion for Extension of Time to Complete Discovery: Defendants are ORDERED to file their expedited response to the motion by 3:00 p.m. on 6/14/21. Plaintiff's oral reply to the motion will be considered at the 6/15/21 hearing. Signed by Magistrate Judge Douglas E. Miller on 6/10/21. (jhie,) (Entered: 06/10/2021)
06/11/2021	<u>123</u>	MOTION to Withdraw as Attorney by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(Johansen, Abigail) (Entered: 06/11/2021)
06/14/2021	<u>124</u>	Opposition to <u>114</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Motion for Extension of Discovery Deadline</i>) filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 06/14/2021)
06/15/2021	<u>126</u>	Minute Order. Proceedings held before Magistrate Judge Douglas E. Miller: Present for hearing via zoom were David McElvey and Nazareth Haysbert on behalf of the plaintiff and Nicholas Lawrence on behalf of the defendants. Court took up each of the pending motions and heard argument. Rulings made on the record on Motions 71, 73, 78, 81,84,86,88, 90, 92, 100, 103 and 104. A written order will be entered for #42 and 98. Rulings as follows. See minute entry for more details. Court took under advisement <u>42</u> Motion for Sanctions; granting <u>71</u> Motion for Protective Order; denying <u>73</u> Motion for Sanctions; granting <u>78</u> Motion to Quash; granting <u>81</u> Motion to Quash; granting <u>84</u> Motion for Protective Order; granting <u>86</u> Motion to Quash; granting <u>88</u> Motion to Quash; granting <u>90</u> Motion to Compel; granting in part and denying in part <u>92</u> Motion for Extension of Time to File; taking under advisement <u>98</u> Motion for Sanctions; granting in part and denying in part <u>104</u> Motion to Compel; Motion Hearing held on 6/15/2021 re <u>92</u> MOTION for Extension of <i>Expert Discovery Deadlines</i> filed by Joann Wright Haysbert, <u>84</u> MOTION for Protective Order (<i>terminate deposition of Lisa Crosby under Rule 30(d)(3)</i>) filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., <u>100</u> MOTION to Quash <i>Subpoena to Hampton University</i> filed by Joann Wright Haysbert, <u>42</u> MOTION for Sanctions <i>Due to Spoliation of Evidence (memorandum in support is in text of motion)</i> filed by Joann Wright Haysbert, <u>86</u> MOTION to Quash <i>Deposition of Jackie Myers, Gallagher Bassett Services, Inc. and Safety National Casualty Corporation and for Protective Order</i> filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., <u>81</u> MOTION to Quash filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., <u>104</u> MOTION to Compel <i>Depositions</i> filed by Joann Wright Haysbert, <u>98</u> Second MOTION for Sanctions <i>Due to Spoliation of Evidence</i> filed by Joann Wright Haysbert, <u>71</u> MOTION for Protective Order filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., <u>88</u> MOTION to Quash <i>May 17, 2021 Subpoena to Lisa Crosby</i> filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., <u>73</u> MOTION for Sanctions <i>For Failure to Obey Discovery Orders</i> filed by Joann Wright Haysbert, <u>90</u> MOTION to Compel <i>IME of Plaintiff</i> filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc., <u>78</u> MOTION to Quash <i>Deposition</i> filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc.. (Court Reporter Jody Stewart, OCR.) (cdod,) (Entered: 06/17/2021)
06/16/2021	<u>125</u>	ORDER granting in part and denying in part <u>100</u> Motion to Quash Subpoena to Hampton University. See Order for details. Signed by Magistrate Judge Douglas E. Miller on 6/16/21. (jhie,) (Entered: 06/16/2021)

06/17/2021	<u>127</u>	TRANSCRIPT of proceedings held on 6-15-2021, before Judge Douglas E. Miller, Court Reporter/Transcriber Jody Stewart, Telephone number 757-222-7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 7/19/2021. Redacted Transcript Deadline set for 8/17/2021. Release of Transcript Restriction set for 9/15/2021. (stewart, jody) (Entered: 06/17/2021)
06/21/2021	<u>128</u>	ORDER granting <u>123</u> Motion to Withdraw as Attorney. Attorney Abigail Jane Johansen terminated. Signed by District Judge Rebecca Beach Smith on 6/21/21. (mrees,) (Entered: 06/21/2021)
06/22/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>114</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Motion for Extension of Discovery Deadline</i>) (jhie,) (Entered: 06/22/2021)
06/29/2021	<u>129</u>	MEMORANDUM ORDER – The court hereby OVERRULES the Plaintiff's Objections to the R&R. Accordingly, the Motion to Amend, ECF 37, is DENIED, and the Motion to Remand, ECF 38, is DENIED. (jhie,) Modified text on 7/21/2021 (afar). (Entered: 06/29/2021)
06/29/2021	<u>130</u>	MOTION Plaintiff's Motion for Court–Ordered Mediation and Appointment of a District Judge as Mediator by Joann Wright Haysbert. (McKelvey, David) (Entered: 06/29/2021)
06/29/2021	<u>131</u>	Memorandum in Support re <u>130</u> MOTION Plaintiff's Motion for Court–Ordered Mediation and Appointment of a District Judge as Mediator filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Proposed Order)(McKelvey, David) (Entered: 06/29/2021)
06/29/2021	<u>132</u>	Objection to <u>126</u> Order on Motion for Sanctions,,,,,,,,,,,,, Order on Motion for Protective Order,,,,,,,,,,,,, Order on Motion to Quash,,,,,,,,,,,,, Order on Motion to Compel,,,,,,,,,,,,, Order on Motion for Extension of Time to File,,,,,,,,,,,,, Motion Hearing,,,,,,,,,,,,, (<i>Plaintiff's Notice of Objections and Request for Review of Magistrate Judge's Rulings on Motions After June 15, 2021 Hearing</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A)(McKelvey, David) (Entered: 06/29/2021)
06/29/2021	<u>133</u>	Memorandum in Support re <u>65</u> Motion Re: Objections to Magistrate Judge's Ruling or Recommendation re <u>56</u> Order on Motion to Quash,,,,,, Order on Motion to Amend/Correct,,,,,, Order on Motion to Remand to State Court,,,,,, Order on Motion to Expedite,,,,,, Order on Motion to C (<i>Plaintiff's Supplement to Notice of Objections and Renewed Request for Review of Magistrate Judge's Order on Plaintiff's Motion to Compel and Request for Discovery Extension</i>) filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 06/29/2021)
07/02/2021	<u>134</u>	Third MOTION to Compel <i>Rule 35 Medical Examination</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Lawrence, Nicholas) (Entered: 07/02/2021)
07/02/2021	<u>135</u>	Memorandum in Support re <u>134</u> Third MOTION to Compel <i>Rule 35 Medical Examination</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order Proposed order)(Lawrence, Nicholas) (Entered: 07/02/2021)
07/03/2021	<u>136</u>	MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Emergency Motion for 90 Day Extension of Discovery Deadline</i>) by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Memorandum of Points and Authorities, # <u>2</u> Exhibit Declaration, # <u>3</u> Exhibit A–g, # <u>4</u> Proposed Order)(McKelvey, David) (Entered: 07/03/2021)
07/06/2021		Notice of Correction re <u>136</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Emergency Motion for 90 Day Extension of Discovery Deadline</i>). <i>The</i>

		<i>Memorandum in Support to <u>136</u> Motion is filed as an attachment to the Motion. The Memorandum In Support should be filed as a separate document linking it back to the Motion <u>136</u> . Please immediately file the Memorandum In Support. (afar) (Entered: 07/06/2021)</i>
07/06/2021	<u>137</u>	Memorandum of Points & Authorities in Support of Plaintiff's Emergency Motion for 90 Day Extension of Discovery Deadline to <u>136</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Emergency Motion for 90 Day Extension of Discovery Deadline</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–G, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 07/06/2021)
07/06/2021	<u>138</u>	RULE 35 ORDER FOR MEDICAL EXAMINATION – Plaintiff shall appear for neurological examination by Dr. Neil Pugach, MD on 7/29/21 at 10:00 a.m. See Order for additional details. Signed by Magistrate Judge Douglas E. Miller on 7/6/21. (afar) (Entered: 07/06/2021)
07/06/2021	<u>139</u>	ORDER: Because the Motion for Extension of Time <u>136</u> presents no new information not already considered by the court's oral rulings on June 15, 2021, the court DENIES it without further briefing. Signed by Magistrate Judge Douglas E. Miller on 7/6/21. (afar) (Entered: 07/06/2021)
07/06/2021	<u>140</u>	Third Party MOTION to Quash <i>Modify Subpoena Duces Tecum</i> by City Of Chesapeake. (Attachments: # <u>1</u> Proposed Order)(Jacobi, Meredith) (Entered: 07/06/2021)
07/06/2021	<u>141</u>	Memorandum in Support re <u>140</u> Third Party MOTION to Quash <i>Modify Subpoena Duces Tecum</i> filed by City Of Chesapeake. (Attachments: # <u>1</u> Exhibit Exhibit A)(Jacobi, Meredith) (Entered: 07/06/2021)
07/07/2021	<u>142</u>	ORDER granting <u>140</u> Motion to Modify Subpoena Duces Tecum. Signed by Magistrate Judge Douglas E. Miller on 7/7/21. (afar) (Entered: 07/07/2021)
07/07/2021	<u>143</u>	MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) by Joann Wright Haysbert. (McKelvey, David) (Entered: 07/07/2021)
07/07/2021	<u>144</u>	Memorandum to <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–F, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 07/07/2021)
07/09/2021	<u>145</u>	ORDER: Plaintiff's two Motions for Sanctions Due to Spoliation of Evidence, ECF Nos. 42 and 98, are DENIED. Copies of this Order sent as DIRECTED on 7.9.21. Signed by Magistrate Judge Douglas E. Miller and filed on 7/9/2021. (epri,) (Entered: 07/09/2021)
07/13/2021	<u>146</u>	Opposition to <u>132</u> Motion Re: Objections to Magistrate Judge, <u>133</u> Memorandum in Support filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E)(Lawrence, Nicholas) (Entered: 07/13/2021)
07/13/2021	<u>147</u>	RESPONSE in Opposition re <u>130</u> MOTION Plaintiff's Motion for Court–Ordered Mediation and Appointment of a District Judge as Mediator filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Lawrence, Nicholas) (Entered: 07/13/2021)
07/19/2021	<u>148</u>	Reply to <u>130</u> MOTION Plaintiff's Motion for Court–Ordered Mediation and Appointment of a District Judge as Mediator (<i>Plaintiff's Reply in Support of Motion for Court–Ordered Mediation and Appointment of a District Judge as Mediator</i>) filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 07/19/2021)
07/21/2021	<u>149</u>	ORDER denying <u>130</u> Motion for Court–Ordered Mediation and Appointment of District Judge as Mediator. Signed by District Judge Rebecca Beach Smith on 7/21/21. (jhie,) (Entered: 07/21/2021)
07/21/2021	<u>150</u>	Memorandum in Opposition re <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC.

		(Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F)(Lawrence, Nicholas) (Entered: 07/21/2021)
07/22/2021	<u>151</u>	ORDER: The Court AFFIRMS AND ADOPTS the Magistrate Judge's rulings on all discovery motions. Accordingly, the Court OVERRULES the Plaintiff's <u>65</u> , <u>132</u> Objections. Signed by District Judge Rebecca Beach Smith on 7/22/21. (jhie,) (Entered: 07/22/2021)
07/23/2021	<u>152</u>	Plaintiff's Notice of Objections and Request for Review of Magistrate Judge's <u>145</u> Order Denying Plaintiff's Motions for Sanctions Due to Spoliation of Evidence filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–F)(McKelvey, David) Modified docket text to match title and modified event on 7/26/2021 (jhie,). (Entered: 07/23/2021)
07/27/2021	<u>153</u>	REPLY to Response to Motion re <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Supplemental Declaration, # <u>2</u> Exhibit H, # <u>3</u> Exhibit H1, # <u>4</u> Exhibit G)(McKelvey, David) (Entered: 07/27/2021)
07/28/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) (jhie,) (Entered: 07/28/2021)
07/29/2021	<u>154</u>	Rule 26 Disclosure by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Main Document 154 replaced on 7/30/2021) (bpet,). (Entered: 07/29/2021)
07/30/2021		Set Deadlines as to <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>). Motion Hearing set for 8/11/2021 at 11:00 AM in Norfolk Remote before Magistrate Judge Douglas E. Miller. (cdod,) (Entered: 07/30/2021)
07/30/2021		Notice of Correction re <u>154</u> Rule 26 Disclosure: The filing user has been notified that pursuant to F.R.Civ.P 5(d) and/or the Rule 16(b) Scheduling Order, discovery documents are not to be filed. (bpet,) (Entered: 07/30/2021)
07/30/2021	<u>155</u>	MOTION for Extension of <i>Fact Discovery...</i> (<i>Plaintiff's Motion to Re–Open Fact Discovery and Extend Expert Discovery Deadlines</i>) by Joann Wright Haysbert. (McKelvey, David) (Entered: 07/30/2021)
07/30/2021	<u>156</u>	Memorandum of Points and Authorities to <u>155</u> MOTION for Extension of <i>Fact Discovery...</i> (<i>Plaintiff's Motion to Re–Open Fact Discovery and Extend Expert Discovery Deadlines</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration of Nazareth Haysbert, # <u>2</u> Exhibit A–F, # <u>3</u> Exhibit Declaration of Randall Atlas, # <u>4</u> Proposed Order)(McKelvey, David) (Entered: 07/30/2021)
08/06/2021	<u>157</u>	Memorandum in Opposition re <u>152</u> Motion Re: Objections to Magistrate Judge filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Lawrence, Nicholas) (Entered: 08/06/2021)
08/06/2021	<u>158</u>	Second Supplemental Declaration of Nazareth M. Haysbert In Support of Plaintiff's Second Emergency Motion To Extend Plaintiff's Discovery Deadline (Attachments: # <u>1</u> Exhibit I–O)(McKelvey, David) Modified text on 8/9/2021 (afar). (Entered: 08/06/2021)
08/09/2021		Notice of Correction re <u>158</u> Response: The docket text does not match the pleading attached. Also, the incorrect event was used. The correct event that should have been used is Declaration found in Civil Events, Other Filings, Other Documents. Please note that the docket text should always match the pleading title. The Clerk's Office has corrected the mistake. (afar) (Entered: 08/09/2021)
08/09/2021	<u>159</u>	Declaration re <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) (<i>Third Supplemental Declaration of Nazareth M. Haysbert in Support of Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit P, # <u>2</u> Exhibit Q)(McKelvey, David) (Entered: 08/09/2021)

		08/09/2021)
08/09/2021	<u>160</u>	Declaration re <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) (<i>Declaration of Deajah Clark</i>) by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/09/2021)
08/10/2021	<u>161</u>	ORDER: The court AFFIRMS AND ADOPTS Magistrate Judge Miller's rulings on the Spoliation Motions for the reasons stated in his Memorandum Order dated July 9, 2021. ECF No 145. The Plaintiff's objections, ECF No 152, are OVERRULED. Signed by District Judge Rebecca Beach Smith on 8/10/2021. (afar) (Entered: 08/10/2021)
08/11/2021	<u>162</u>	Minute Entry for proceedings held before Magistrate Judge Douglas E. Miller: Motion Hearing held on 8/11/2021 re <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) filed by Joann Wright Haysbert. Matter came on for hearing on pending Motion for Extension of Time To Complete Discovery (#143). Present via zoom were David McKelvey and Nazareth Haysbert on behalf of the plaintiff and Nicholas Lawrence on behalf of the defendant. Mr. Haysbert argued the motion and Mr. Lawrence responded. There is another similar motion pending (#155). The Court will take up both of these motions together and directs as follows: The defendants shall file a short opposition to #155 by 8/13/21 to include complete deposition transcripts of Marcus Wilson, Nick Seifert and Christopher Robinson. The defendants shall also submit a declaration of Theresa Matthews, the Regional Facilities Manager by 8/13/21 if possible, but otherwise by 8/16 or 8/17/21. The Court will issue an order after receiving these documents. Hearing adjourned. (Court Reporter Jody Stewart, OCR.)(cdod,) (Entered: 08/12/2021)
08/13/2021	<u>163</u>	Memorandum in Opposition re <u>155</u> MOTION for Extension of <i>Fact Discovery...</i> (<i>Plaintiff's Motion to Re-Open Fact Discovery and Extend Expert Discovery Deadlines</i>) filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit 1 Deposition Transcript (Wilson), # <u>2</u> Exhibit 2 Deposition Transcript (Seifert), # <u>3</u> Exhibit 3 Deposition Transcript (Robinson), # <u>4</u> Exhibit 4 Diagram)(Lawrence, Nicholas) (Entered: 08/13/2021)
08/16/2021	<u>164</u>	REPLY to Response to Motion re <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) (<i>Plaintiff's Reply in Support of Motion to Re-Open Fact Discovery and Extend Discovery Deadlines</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit G-I)(McKelvey, David) (Entered: 08/16/2021)
08/17/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>143</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Second Emergency Motion to Extend Plaintiff's Discovery Deadline</i>) (jhie,) (Entered: 08/17/2021)
08/17/2021	<u>165</u>	Response to <u>155</u> MOTION for Extension of <i>Fact Discovery...</i> (<i>Plaintiff's Motion to Re-Open Fact Discovery and Extend Expert Discovery Deadlines</i>), <u>164</u> Reply to Response to Motion, <u>160</u> Declaration, <u>159</u> Declaration, <u>158</u> Response and Motion to Strike filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Affidavit Exhibit A)(Lawrence, Nicholas) (Entered: 08/17/2021)
08/19/2021		Notice of Correction re <u>164</u> Reply to Response to Motion: The filing user is advised that leave of court is needed to file this document as the Reply to this Motion was already filed at ECF 153. Please file a Motion for Leave to File with the proposed document included as an attachment to the motion. (jhie,) (Entered: 08/19/2021)
08/19/2021		Notice of Correction re <u>165</u> Response to Motion for Extension of Fact Discovery and Motion to Strike: The filing user is advised that document <u>165</u> contains more than one pleading for motion or relief. Please rename and refile the document as a Motion to Strike at your earliest convenience. (jhie,) (Entered: 08/19/2021)
08/19/2021	<u>166</u>	Objection (<i>Plaintiff's Objection to Defendants' Supplemental Designation of Expert Witnesses</i>) filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/19/2021)
08/19/2021	<u>167</u>	REPLY to Response to Motion re <u>155</u> MOTION for Extension of <i>Fact Discovery...</i> (<i>Plaintiff's Motion to Re-Open Fact Discovery and Extend Expert Discovery Deadlines</i>) (<i>Plaintiff's Reply in Support of Motion to Re-Open Fact</i>

		<i>Discovery and Extend Discovery Deadlines (Dkt. No. 155))</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/19/2021)
08/20/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>155</u> MOTION for Extension of Fact Discovery...(Plaintiff's Motion to Re-Open Fact Discovery and Extend Expert Discovery Deadlines) (jhie,) (Entered: 08/20/2021)
08/24/2021	<u>168</u>	ORDER denying <u>143</u> , <u>155</u> Motions for Extension of Time to Complete Discovery. Signed by Magistrate Judge Douglas E. Miller on 8/23/21. (jhie,) (Entered: 08/24/2021)
08/27/2021	<u>169</u>	MOTION for Extension of Time to Designate Witnesses and Exhibits Pursuant to Rule26(a)(3) by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 08/27/2021)
08/27/2021	<u>170</u>	Memorandum in Support re <u>169</u> MOTION for Extension of Time to Designate Witnesses and Exhibits Pursuant to Rule26(a)(3) filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 08/27/2021)
08/30/2021	<u>171</u>	Objection Plaintiff's Objection to Defendants' Rule 26 (a) (3) List of Witnesses and Exhibits filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/30/2021)
09/07/2021	<u>172</u>	Motion Re: Objections to Magistrate Judge's Ruling or Recommendation re <u>168</u> Order on Motion for Extension of Time to Complete Discovery, Order on Motion for Extension of Time to File by Joann Wright Haysbert. (McKelvey, David) (Entered: 09/07/2021)
09/10/2021	<u>173</u>	Memorandum in Opposition re <u>169</u> MOTION for Extension of Time to Designate Witnesses and Exhibits Pursuant to Rule26(a)(3) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit A-I, # <u>2</u> Exhibit Declaration)(McKelvey, David) (Entered: 09/10/2021)
09/17/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>169</u> MOTION for Extension of Time to Designate Witnesses and Exhibits Pursuant to Rule26(a)(3) (jhie,) (Entered: 09/17/2021)
09/21/2021	<u>174</u>	ORDER granting <u>169</u> Motion for Extension of Time to Designate Witnesses and Exhibits Pursuant to Rule 26(a)(3). Signed by Magistrate Judge Douglas E. Miller on 9/21/21. (jhie,) (Entered: 09/21/2021)
09/21/2021	<u>175</u>	RESPONSE in Opposition re <u>172</u> Motion Re: Objections to Magistrate Judge's Ruling or Recommendation re <u>168</u> Order on Motion for Extension of Time to Complete Discovery, Order on Motion for Extension of Time to File filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D)(Lawrence, Nicholas) (Entered: 09/21/2021)
09/29/2021	<u>176</u>	ORDER: Plaintiff's <u>172</u> Objections to the Magistrate Judge's Ruling or Recommendation are OVERRULED, and the Magistrate Judge's <u>168</u> Order denying Motions for Extension of Time and to Complete Discovery is AFFIRMED and ADOPTED. Signed by District Judge Rebecca Beach Smith on 9/29/21. (jhie,) (Entered: 09/29/2021)
10/01/2021	<u>177</u>	MOTION for Extension of Time to Complete Discovery (Plaintiff's Emergency Motion for Partial Stay of Magistrate Judge's Order Granting Defendants' Motion to Extend the Deadline for Rule 26 (a) (3) Disclosures and Objections) by Joann Wright Haysbert. (McKelvey, David) (Entered: 10/01/2021)
10/01/2021	<u>178</u>	Memorandum in Support re <u>177</u> MOTION for Extension of Time to Complete Discovery (Plaintiff's Emergency Motion for Partial Stay of Magistrate Judge's Order Granting Defendants' Motion to Extend the Deadline for Rule 26 (a) (3) Disclosures and Objections) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 10/01/2021)
10/01/2021	<u>179</u>	Motion Re: Objections to Magistrate Judge's Ruling or Recommendation re <u>174</u> Order on Motion for Extension of Time to File by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A)(McKelvey, David) (Entered: 10/01/2021)

10/08/2021	<u>180</u>	MOTION Schedule Judicial Settlement Conference by Joann Wright Haysbert. (McKelvey, David) (Entered: 10/08/2021)
10/08/2021	<u>181</u>	Memorandum in Support re <u>180</u> MOTION Schedule Judicial Settlement Conference filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–D, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 10/08/2021)
10/12/2021	<u>182</u>	Memorandum in Opposition re <u>177</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Emergency Motion for Partial Stay of Magistrate Judge's Order Granting Defendants' Motion to Extend the Deadline for Rule 26 (a) (3) Disclosures and Objections</i>) filed by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 10/12/2021)
10/12/2021	<u>183</u>	Response to <u>180</u> MOTION Schedule Judicial Settlement Conference filed by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 10/12/2021)
10/14/2021		Set Hearings: Settlement Conference set for 10/21/2021 at 10:00 AM before Magistrate Judge Douglas E. Miller. (cdod,) (Entered: 10/14/2021)
10/15/2021	<u>184</u>	MOTION for Summary Judgment by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 10/15/2021)
10/15/2021	<u>185</u>	Brief in Support to <u>184</u> MOTION for Summary Judgment filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Proposed Order)(McGavin, John) (Entered: 10/15/2021)
10/18/2021	<u>186</u>	SETTLEMENT CONFERENCE ORDER. Settlement conference scheduled for 11/2/21 at 10:00 a.m. (eastern time) via Zoomgov; memorandum due by noon on 10/29/21. See Order for details. Signed by Magistrate Judge Douglas E. Miller on 10/18/21. (jhie,) (Entered: 10/18/2021)
10/19/2021		MOTION REFERRED to Magistrate Judge Douglas E. Miller: <u>177</u> MOTION for Extension of Time to Complete Discovery (<i>Plaintiff's Emergency Motion for Partial Stay of Magistrate Judge's Order Granting Defendants' Motion to Extend the Deadline for Rule 26 (a) (3) Disclosures and Objections</i>) (jhie,) (Entered: 10/19/2021)
10/21/2021	<u>187</u>	MOTION for Summary Judgment by Joann Wright Haysbert. (McKelvey, David) (Entered: 10/21/2021)
10/21/2021	<u>188</u>	Memorandum in Support re <u>187</u> MOTION for Summary Judgment filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Statement of Undisputed Facts, # <u>2</u> Exhibit Declaration, # <u>3</u> Exhibit A–R, # <u>4</u> Proposed Order)(McKelvey, David) (Entered: 10/21/2021)
10/29/2021	<u>189</u>	Memorandum in Opposition re <u>184</u> MOTION for Summary Judgment filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Statement of Undisputed Facts, # <u>2</u> Exhibit Declaration, # <u>3</u> Exhibit A–V)(McKelvey, David) (Entered: 10/29/2021)
11/02/2021		Case Reassigned to Magistrate Judge Robert J. Krask. Magistrate Judge Douglas E. Miller no longer assigned to the case. (jhie,) (Entered: 11/02/2021)
11/02/2021	<u>190</u>	ORDER directing Clerk to reassign this case to an alternate United States Magistrate Judge. Signed by Magistrate Judge Douglas E. Miller on 11/2/21. (jhie,) (Entered: 11/02/2021)
11/02/2021		Minute Entry for proceedings held before Magistrate Judge Douglas E. Miller: Settlement Conference held on 11/2/2021. (cdod,) (Entered: 11/04/2021)
11/04/2021	<u>191</u>	Opposition to <u>188</u> Memorandum in Support, <u>187</u> MOTION for Summary Judgment filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Proposed Order)(McGavin, John) (Entered: 11/04/2021)
11/04/2021	<u>192</u>	Reply to <u>189</u> Memorandum in Opposition, <u>184</u> MOTION for Summary Judgment filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 11/04/2021)

11/10/2021	<u>193</u>	Rebuttal Brief re <u>187</u> MOTION for Summary Judgment filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit Exhibits to Declaration, # <u>3</u> Exhibit Appendix)(McKelvey, David) (Entered: 11/10/2021)
11/16/2021	<u>194</u>	ORDER. Final pretrial conference scheduled for 11/22/21 at 10:00 a.m. via Zoomgov; the parties are DIRECTED to submit to chambers a proposed Final Pretrial Order signed by both parties no later than 11/18/21. See Order for details. Signed by Magistrate Judge Robert J. Krask on 11/15/21. (jhie,) (Entered: 11/16/2021)
11/18/2021	<u>195</u>	TRIAL BRIEF <i>Plaintiff's Trial Brief No. 1: Batson Motions</i> by Joann Wright Haysbert. (McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>196</u>	TRIAL BRIEF <i>Plaintiff's Trial Brief No. 2: Testimony of Plaintiff's Treating Physicians</i> by Joann Wright Haysbert. (McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>197</u>	MOTION in Limine by Joann Wright Haysbert. (McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>198</u>	Brief in Support to <u>197</u> MOTION in Limine <i>(To Exclude Dr. Neil Pugach's Untimely Expert Report and Exclude Any Evidence, Testimony Or Witnesses Relating Thereto</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>199</u>	Brief in Support to <u>197</u> MOTION in Limine <i>Daubert Motion to Exclude Reports and Testimony of Defendants' Experts Dr. Pugach and Dr. Huang</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration of Haysbert, # <u>2</u> Exhibit Declaration of Dr. Filer, # <u>3</u> Exhibit A-C, # <u>4</u> Proposed Order)(McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>200</u>	Brief in Support to <u>197</u> MOTION in Limine <i>To Exclude Sub Rosa Evidence or Any Other Evidence Not Disclosed</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>201</u>	Brief in Support to <u>197</u> MOTION in Limine <i>To Exclude Evidence of Plaintiff's Subsequent Car Accident and Any Injuries Sustained</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration of Haysbert, # <u>2</u> Exhibit A-C, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>202</u>	Brief in Support to <u>197</u> MOTION in Limine <i>To Exclude Prejudicial References to Plaintiff's Shoes Worn at the Time of the Incident</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration of Haysbert, # <u>2</u> Exhibit C-D, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>203</u>	Brief in Support to <u>197</u> MOTION in Limine <i>To Exclude Prejudicial Use of Photos of Plaintiff's Head</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration of Haysbert, # <u>2</u> Exhibit, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>204</u>	Brief in Support to <u>197</u> MOTION in Limine <i>To Exclude Use of Photograph of Floor and Testimony to Argue the Floor Was Clean and Dry</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration of Haysbert, # <u>2</u> Exhibit, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>205</u>	Brief in Support to <u>197</u> MOTION in Limine <i>To Exclude Reference to Plaintiff's Financial Condition</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 11/18/2021)
11/18/2021	<u>206</u>	Brief in Support to <u>197</u> MOTION in Limine <i>To Exclude Familial References</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 11/19/2021)
11/19/2021	<u>207</u>	Brief in Support to <u>197</u> MOTION in Limine <i>To Exclude Reference to Plaintiff's Counsel's Pro Hac Vice Status</i> filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 11/19/2021)
11/19/2021	<u>208</u>	ORDER: The court ORDERS that the Final Pretrial Conference and the Jury Trial are REMOVED from the court's docket and will be rescheduled, as appropriate, pending the disposition of the outstanding Motions for Summary Judgment. Signed by District Judge Rebecca Beach Smith on 11/19/21. (afar) (Entered: 11/19/2021)

11/19/2021	<u>209</u>	MOTION to Withdraw as Attorney by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Lawrence, Nicholas) (Entered: 11/19/2021)
11/19/2021	<u>210</u>	ORDER: the Magistrate Judge's <u>174</u> pretrial Order is MODIFIED regarding its finding of fact as to the dates of the late filings; otherwise, the Order is AFFIRMED and ADOPTED. The <u>177</u> Emergency Motion is MOOT regarding the request for a stay. If she still wishes to, Plaintiff may depose Dr. Pugach within 21 days of the date of this Order. Signed by District Judge Rebecca Beach Smith on 11/19/21. (bpet,) (Entered: 11/19/2021)
11/19/2021	<u>211</u>	CORRECTION ORDER: The Order entered on 11/19/21, ECF 210, is corrected as follows: The citation on line 1 of page 7 shall read, "See ECF No 208", thereby eliminating the citation of ECF No 170 at 3. Signed by District Judge Rebecca Beach Smith on 11/19/21. (afar) (Entered: 11/19/2021)
11/19/2021	<u>212</u>	Referral Order: It is ORDERED that US Magistrate Judge Robert J. Krask is designated to conduct hearings, etc. and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the motions for summary judgment, ECF <u>184</u> MOTION for Summary Judgment filed by Outback Steakhouse of Florida, LLC, and <u>187</u> MOTION for Summary Judgment filed by Joann Wright Haysbert. Signed by District Judge Rebecca Beach Smith on 11/19/21. (afar) (Entered: 11/19/2021)
11/22/2021	<u>213</u>	ORDER granting <u>209</u> Motion to Withdraw as to Nicholas J. Lawrence. Signed by District Judge Rebecca Beach Smith on 11/22/21. (afar) (Entered: 11/22/2021)
11/23/2021	<u>214</u>	Memorandum in Opposition re <u>197</u> MOTION in Limine filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 11/23/2021)
11/29/2021	<u>215</u>	REPLY to Response to Motion re <u>197</u> MOTION in Limine filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 11/29/2021)
11/30/2021		MOTION REFERRED to Magistrate Judge Robert J. Krask. <u>197</u> MOTION in Limine (jhie,) (Entered: 11/30/2021)
11/30/2021	<u>216</u>	Response to <u>196</u> Trial Brief filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 11/30/2021)
11/30/2021	<u>217</u>	Opposition to <u>195</u> Trial Brief filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 11/30/2021)
12/01/2021	<u>218</u>	Opposition to <u>202</u> Brief in Support, <u>201</u> Brief in Support, <u>200</u> Brief in Support, <u>198</u> Brief in Support, <u>203</u> Brief in Support, <u>199</u> Brief in Support, <u>207</u> Brief in Support, <u>204</u> Brief in Support, <u>205</u> Brief in Support, <u>206</u> Brief in Support filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit)(McGavin, John) (Entered: 12/01/2021)
12/03/2021	<u>219</u>	TRIAL BRIEF (<i>Plaintiff's Trial Brief No. 3: Admissibility of the Work Order Request Under the Business Records and Present Sense Impression Exceptions to the Hearsay Rule</i>) by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration)(McKelvey, David) (Entered: 12/03/2021)
12/03/2021	<u>220</u>	TRIAL BRIEF (<i>Plaintiff's Trial Brief No. 4: Admissibility of the Declaration and Trial Testimony of Nineveh Haysbert Under the Present Sense Impression Exception to the Hearsay Rule</i>) by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration)(McKelvey, David) (Entered: 12/03/2021)
12/06/2021	<u>221</u>	Reply to <u>195</u> Trial Brief filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 12/06/2021)
12/06/2021	<u>222</u>	Reply to <u>196</u> Trial Brief filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit Exhibit A)(McKelvey, David) (Entered: 12/06/2021)
12/07/2021	<u>223</u>	Reply to <u>197</u> MOTION in Limine filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 12/07/2021)
12/20/2021	<u>224</u>	Reply to <u>219</u> Trial Brief, <i>Brief in Opposition to Plaintiff's Third Trial Brief</i> filed by Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit)(McGavin, John)

		(Entered: 12/20/2021)
02/18/2022	<u>225</u>	UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION re <u>184</u> , <u>187</u> MOTIONS for Summary Judgment. Signed by Magistrate Judge Robert J. Krask on 2/18/22. (jhie,) (Entered: 02/18/2022)
02/28/2022	<u>226</u>	ORDER. Plaintiff is ORDERED to file unredacted copies of the relevant expert reports to her <u>199</u> Brief in Support by 3/4/22. Plaintiff is also ORDERED to refile the photos of her head submitted as an attachment to her <u>203</u> Brief in Support such that they are visible. The parties are ORDERED to contact the courtroom deputy of the undersigned to schedule a hearing on Plaintiff's <u>197</u> motions <i>in limine</i> . Signed by Magistrate Judge Robert J. Krask on 2/28/22. (jhie,) (Entered: 02/28/2022)
03/04/2022	<u>227</u>	MOTION to Seal (<i>Plaintiff's Application for Leave to File Under Seal Expert Reports and Plaintiff's Injury Photos Pursuant to Court Order Dated February 28, 2022</i>) by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit A–C, # <u>3</u> Proposed Order)(McKelvey, David) (Entered: 03/04/2022)
03/07/2022		Notice of Correction re <u>227</u> MOTION to Seal. Pursuant to Local Civil Rule 5(C), the filing user is advised to file a memorandum in support of the motion to seal and a separate Local Civil Rule 5(C) Notice and link them back to the motion. (jhie,) (Entered: 03/07/2022)
03/07/2022	<u>228</u>	Memorandum in Support re <u>227</u> MOTION to Seal Expert Reports and Plaintiff's Injury Photos Pursuant to Court Order Dated February 28, 2022 filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 03/07/2022)
03/07/2022	<u>229</u>	Notice of Filing Sealing Motion re <u>227</u> MOTION to Seal (<i>Plaintiff's Application for Leave to File Under Seal Expert Reports and Plaintiff's Injury Photos Pursuant to Court Order Dated February 28, 2022</i>) filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 03/07/2022)
03/07/2022	<u>230</u>	Sealed Document re <u>227</u> MOTION to Seal (<i>Plaintiff's Application for Leave to File Under Seal Expert Reports and Plaintiff's Injury Photos Pursuant to Court Order Dated February 28, 2022</i>). (McKelvey, David) (Main Document 230 replaced on 3/8/2022) (jhie,). (Entered: 03/07/2022)
03/11/2022		Set Hearings: Motion Hearing set for 4/12/2022 at 10:00 AM in Norfolk Remote via Zoom before Magistrate Judge Robert J. Krask, with OCR. (btit) (Entered: 03/11/2022)
03/11/2022	<u>231</u>	ORDER. The Court ADOPTS AND APPROVES IN FULL the findings and recommendations set forth in the Magistrate Judge's <u>225</u> Report and Recommendation. Accordingly, Defendants' <u>184</u> Motion for Summary Judgment and Plaintiff's <u>187</u> Motion for Summary Judgment are DENIED. The Clerk is DIRECTED to contact counsel to set a Supplemental Rule 16(b) Conference, at which new dates for the Final Pretrial Conference and the Jury Trial shall be set. Signed by District Judge Rebecca Beach Smith on 3/11/22. (jhie,) (Entered: 03/11/2022)
03/14/2022	<u>232</u>	ORDER granting <u>227</u> Motion to Seal. Signed by Magistrate Judge Robert J. Krask on 3/14/22. (jhie,) (Entered: 03/14/2022)
03/24/2022		Conference call held with counsel on 3/24/2022 to reschedule trial and fptc dates. Present on the phone were David McKelvey, Nazareth Haysbert, and Anna Zick. (sche) (Entered: 03/24/2022)
03/24/2022	<u>233</u>	Amended Rule 16(b) Scheduling Order – Pursuant to the conference call it is ordered that the Final Pretrial Conference is set for 7/29/2022 at 11:00 AM in Norfolk. Jury Trial is set for 8/9/2022 at 11:00 AM in Norfolk. Signed by District Judge Rebecca Beach Smith on March 24, 2022. (sche) (Entered: 03/24/2022)
04/12/2022	<u>234</u>	Minute Entry for Motion Hearing held on 4/12/2022 re <u>197</u> MOTION in Limine filed by Joann Wright Haysbert before Magistrate Judge Robert J. Krask: The matter came on for a hearing to address Plaintiffs motions in limine (ECF #197), filed on 11/18/2021. David McKelvey and Nazareth Haysbert appeared on behalf of Plaintiff. John McGavin appeared on behalf of Defendant. Comments and questions by the Court. Argument and responses of counsel heard. The Court grants in part and denies in part the motions in limine. The Court directs counsel to confer and come to an

		agreement regarding fees and expenses relating to briefing by April 19, 2022. If counsel cannot come to an agreement, they shall file a motion with the appropriate affidavit and records by April 29, 2022. If briefed, counsel for Defendant shall file a response in opposition by May 13, 2022 and counsel for Plaintiff shall file a reply by May 19, 2022. The Court to prepare an order. Court adjourned. (Court Reporter Jody Stewart, OCR.)(btit) Modified on 4/13/2022 (btit). (Entered: 04/12/2022)
04/13/2022	<u>235</u>	ORDER: The motion in limine to preclude expert testimony from Dr. Neil Pugach as untimely is DENIED in light of the Court's prior rulings. The motion in limine to preclude expert testimony from Dr. Neil Pugach and Dr. Abbott Huang on Daubert grounds was GRANTED IN PART AND DENIED IN PART. The motion in limine to exclude sub rosa evidence was DENIED WITHOUT PREJUDICE. The motion in limine to preclude evidence of Haysbert's April 2021 car accident, and any injuries sustained therefrom, was DENIED WITHOUT PREJUDICE, subject to timely and proper objection at trial. The motion in limine to exclude prejudicial references to Haysbert's shoes at the time of her fall was DENIED. The motion in limine to exclude prejudicial use of photographs of Haysbert's head was DENIED WITHOUT PREJUDICE, subject to timely and proper objection at trial. The motion in limine to exclude a photograph of the floor where Haysbert allegedly fell and testimony that the floor was clean and dry was DENIED WITHOUT PREJUDICE, subject to timely and proper objection at trial. The motion in limine to exclude references to Haysbert's financial condition was DENIED WITHOUT PREJUDICE, subject to timely and proper objection at trial. The motion in limine to exclude familial references was GRANTED. The motion in limine to exclude reference to Nazareth Haysbert's pro hac vice admission or status as a California attorney was GRANTED. Signed by Magistrate Judge Robert J. Krask on 4/13/2022. (afar) (Entered: 04/13/2022)
07/11/2022	<u>236</u>	Proposed Voir Dire by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 07/11/2022)
07/11/2022	<u>237</u>	ORDER. The parties are DIRECTED to submit to the chambers of the undersigned, no later than 5:00 p.m. on July 26, 2022, a proposed Final Pretrial Order signed by both parties; a copy of all exhibits to which the parties have objections that were not resolved; and copies of any <i>de bene esse</i> depositions to which the parties have made objections. See Order for details. Signed by Magistrate Judge Robert J. Krask on 7/11/22. (jhie,) (Entered: 07/11/2022)
07/12/2022	<u>238</u>	Proposed Jury Instructions by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 07/12/2022)
07/12/2022	<u>239</u>	Proposed Jury Instructions by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 07/12/2022)
07/13/2022		Reset Hearings: Final Pretrial Conference set for 7/29/2022 at 11:00 AM in Norfolk Mag Courtroom 2 before Magistrate Judge Robert J. Krask. (btit) (Entered: 07/13/2022)
07/26/2022	<u>240</u>	EXHIBIT by Outback Steakhouse of Florida, LLC.. (McGavin, John) (Entered: 07/26/2022)
07/29/2022	<u>241</u>	Minute Entry for Final Pretrial Conference held on 7/29/2022 before Magistrate Judge Robert J. Krask: The matter came on for a Final Pretrial Conference. Nazareth Haysbert and David McKelvey appeared on behalf of Plaintiff. John McGavin appeared on behalf of Defendant. The Court addressed the Final Pretrial Order. Comments and questions by the Court. Responses of counsel heard. Court to prepare an order. Court adjourned. (Court Reporter FTR.)(btit) (Entered: 07/29/2022)
07/29/2022	<u>242</u>	ORDER. Pursuant to the final pretrial conference held on 7/29/22, the parties are ordered to follow the directives noted herein. Signed by Magistrate Judge Robert J. Krask on 7/29/22. (jhie,) (Entered: 07/29/2022)
07/29/2022	<u>243</u>	FINAL PRETRIAL ORDER. Signed by Magistrate Judge Robert J. Krask on 7/29/22. (jhie,) (Entered: 07/29/2022)
08/01/2022	<u>244</u>	NOTICE of Appearance by Emily Blake on behalf of Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC (Blake, Emily) (Entered: 08/01/2022)

08/01/2022	<u>245</u>	Request for Authorization to Bring Electronic Devices into Court by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Blake, Emily) Modified docket text on 8/3/2022 (jhie,). (Entered: 08/01/2022)
08/02/2022	<u>246</u>	TRANSCRIPT of Final Pretrial Conference proceedings held on 7/29/2022, before Judge Robert J. Krask, Court Reporter/Transcriber Paul McManus, Telephone number 757-222-7077. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 9/1/2022. Redacted Transcript Deadline set for 10/3/2022. Release of Transcript Restriction set for 10/31/2022. (mcmamus, paul) (Entered: 08/02/2022)
08/02/2022	<u>247</u>	Request for use of Courtroom Technology & To Bring Electronic Devices to Trial (McKelvey) by Joann Wright Haysbert. (McKelvey, David) Modified docket text on 8/3/2022 (jhie,). (Entered: 08/02/2022)
08/02/2022	<u>248</u>	Proposed Voir Dire by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/02/2022)
08/02/2022	<u>249</u>	Proposed Jury Instructions by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/02/2022)
08/02/2022	<u>250</u>	Proposed Jury Instructions by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/02/2022)
08/02/2022	<u>251</u>	Proposed Jury Instructions by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/02/2022)
08/02/2022	<u>252</u>	Proposed Jury Instructions by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/02/2022)
08/05/2022	<u>254</u>	SUPPLEMENTAL FINAL PRETRIAL ORDER ADDRESSING INTERROGATORY EXHIBITS. Signed by Magistrate Judge Robert J. Krask on 8/5/22. (jhie,) (Entered: 08/05/2022)
08/08/2022	<u>255</u>	Proposed General Verdict Form with Cites by Joann Wright Haysbert. (McKelvey, David) Modified docket text on 2/28/2023 to match title of document (tamarm,). (Entered: 08/08/2022)
08/08/2022	<u>256</u>	Proposed General Verdict Form with Cites by Joann Wright Haysbert. (McKelvey, David) Modified docket text on 2/28/2023 to match title of document (tamarm,). (Entered: 08/08/2022)
08/08/2022	<u>257</u>	MOTION Additional Technology and for Witness to Appear via Zoom by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Memo in Support)(McKelvey, David) (Entered: 08/08/2022)
08/08/2022	<u>258</u>	NOTICE by Joann Wright Haysbert <i>of Nonconsent</i> (McKelvey, David) (Entered: 08/08/2022)
08/08/2022		Deadline terminated: Jury Trial set for 8/9/2022 removed from the docket. To be reset. (lbax,) (Entered: 08/08/2022)
08/15/2022	<u>259</u>	ORDER. As the August 9, 2022, trial date has been removed from the docket to be later reset, the <u>257</u> Motion for Additional Technology and for Witnesses to Appear Via Zoom is now MOOT and is no longer pending before the court. Signed by District Judge Rebecca Beach Smith on 8/15/22. (jhie,) (Entered: 08/15/2022)
11/02/2022		Conference call held with counsel on 11/2/2022 to reschedule trial date. Present on the phone were David McKelvey and John McGavin. (tamarm,) (Entered: 11/02/2022)
11/03/2022	<u>260</u>	ORDER – Pursuant to the conference call on 11/2/2022, it is ordered that the Jury Trial is reset for 3/14/2023 at 11:00 AM in Norfolk before District Judge Rebecca Beach Smith. Signed by District Judge Rebecca Beach Smith on 11/3/2022. (tamarm,)

		(Entered: 11/03/2022)
02/13/2023	<u>261</u>	Request for use of Courtroom Technology & To Bring Electronic Devices to Trial by Joann Wright Haysbert. (McKelvey, David) Modified on 2/14/2023 (jhie,). (Entered: 02/13/2023)
02/23/2023	<u>263</u>	MOTION to Continue by Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Proposed Order)(McGavin, John) (Entered: 02/23/2023)
02/23/2023	<u>264</u>	Memorandum in Support re <u>263</u> MOTION to Continue filed by Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Affidavit)(McGavin, John) (Entered: 02/23/2023)
02/24/2023	<u>265</u>	SETTLEMENT CONFERENCE ORDER. Settlement conference scheduled for 2/28/23 at 1:30 p.m. (eastern time) via Zoomgov; memorandum due by 5:00 p.m. on 2/27/23; see Order for details. Signed by Magistrate Judge Douglas E. Miller on 2/24/23. (jhie,) (Entered: 02/24/2023)
02/24/2023		Set Hearings: Settlement Conference set for 2/28/2023 at 01:30 PM in Newport News Remote before Magistrate Judge Douglas E. Miller. (jhie,) (Entered: 02/24/2023)
02/28/2023	<u>266</u>	EXHIBIT by Outback Steakhouse of Florida, LLC.. (Attachments: # <u>1</u> Exhibit)(McGavin, John) (Entered: 02/28/2023)
02/28/2023		Minute Entry for proceedings held before Magistrate Judge Douglas E. Miller: Settlement Conference held on 2/28/2023. (cdod,) (Entered: 03/01/2023)
03/01/2023	<u>267</u>	NOTICE by Joann Wright Haysbert (<i>Plaintiff's Notice of Non–Opposition to Defendant Outback Steakhouse's Motion to Continue Trial Date</i>) (McKelvey, David) (Entered: 03/01/2023)
03/01/2023	<u>268</u>	ORDER granting <u>263</u> Motion to Continue; the Jury Trial is continued to August 8, 2023 at 11:00 a.m. Signed by District Judge Rebecca Beach Smith on 3/1/2023. (tamarm,) (Entered: 03/01/2023)
03/01/2023		Jury Trial reset for 8/8/2023 at 11:00 AM in Norfolk before District Judge Rebecca Beach Smith. (tamarm,) (Entered: 03/01/2023)
06/30/2023	<u>269</u>	ORDER – The Court directs the Calendar Clerk to schedule a Supplemental Final Pretrial Conference with counsel for the parties, to take place after July 25, 2023. SEE ORDER FOR DETAILS. Signed by District Judge Rebecca Beach Smith on 6/30/2023. (dbra,) (Entered: 06/30/2023)
07/05/2023		Set/Reset Hearings: Supplemental Final Pretrial Conference set for 8/1/2023 at 02:00 PM in Norfolk before District Judge Rebecca Beach Smith. (tamarm,) (Entered: 07/05/2023)
07/06/2023	<u>270</u>	ORDER. A Supplemental Final Pretrial Conference has been set for August 1, 2023, at 2:00 P.M. in Norfolk, Virginia. The parties are reminded that no remote participation is permitted, and any counsel who wish to participate in the trial must be present in person at the Supplemental Final Pretrial Conference. Signed by District Judge Rebecca Beach Smith on 7/6/23. (jhie,) (Entered: 07/06/2023)
08/01/2023		SUPPLEMENTAL FINAL PRETRIAL CONFERENCE held in chambers on 8/1/2023 before District Judge Rebecca Beach Smith. (Court Reporter Jody Stewart.) David McKelvey and Nazareth Haysbert, present on behalf of plaintiff. John McGavin and Emily Blake, present on behalf of defendant. Rulings made on Supplemental Final Pretrial Order. (tamarm,) (Entered: 08/02/2023) (Entered: 08/02/2023)
08/02/2023	<u>273</u>	ORDER – The attached exhibit and witness lists shall supersede all other such lists in this case. The parties are DIRECTED to make all necessary updates to their trial binders in accordance with this Order, and to provide the original and two copies of these updated binders to the Clerk, in addition to the copy provided to opposing counsel, by 8/7/2023, at or before 11:00 a.m. Signed by District Judge Rebecca Beach Smith on 8/2/2023. (tamarm,) (Entered: 08/02/2023)
08/03/2023		Follow up Settlement Conference set for 8/4/2023 at 09:30 AM in Newport News Remote before Magistrate Judge Douglas E. Miller. (cdod,) (Entered: 08/03/2023)

08/04/2023		Minute Entry for proceedings held before Magistrate Judge Douglas E. Miller: Settlement Conference held on 8/4/2023. (cdod,) (Entered: 08/05/2023)
08/06/2023	<u>274</u>	MOTION Plaintiff's Motion for Leave to Present Dr. Huma Haider Via Zoom by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/06/2023)
08/06/2023	<u>275</u>	Memorandum in Support re <u>274</u> MOTION Plaintiff's Motion for Leave to Present Dr. Huma Haider Via Zoom filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration)(McKelvey, David) (Entered: 08/06/2023)
08/06/2023	<u>276</u>	Proposed General Verdict Form with Citation by Joann Wright Haysbert. (McKelvey, David) Modified text on 8/7/2023 to reflect correct title of pleading. (tamarm,). (Entered: 08/06/2023)
08/06/2023	<u>277</u>	Proposed General Verdict Form – No Citation by Joann Wright Haysbert. (McKelvey, David) Modified text on 8/7/2023 to reflect correct title of pleading. (tamarm,). (Entered: 08/06/2023)
08/07/2023	<u>278</u>	Proposed Jury Instructions by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/07/2023)
08/07/2023	<u>279</u>	Proposed Jury Instructions by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/07/2023)
08/07/2023	<u>280</u>	STIPULATION by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/07/2023)
08/07/2023	<u>281</u>	Proposed Jury Instructions by Bloomin' Brands, Inc.. (McGavin, John) (Entered: 08/07/2023)
08/07/2023	<u>282</u>	Proposed Jury Instructions by Bloomin' Brands, Inc.. (McGavin, John) (Entered: 08/07/2023)
08/07/2023	<u>283</u>	MOTION to Quash <i>a Witness Subpoena</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 08/07/2023)
08/07/2023	<u>284</u>	Opposition to <u>274</u> MOTION Plaintiff's Motion for Leave to Present Dr. Huma Haider Via Zoom filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 08/07/2023)
08/08/2023	<u>286</u>	TRANSCRIPT of proceedings held on 8–1–2023, before Judge Rebecca Beach Smith, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 9/7/2023. Redacted Transcript Deadline set for 10/10/2023. Release of Transcript Restriction set for 11/6/2023. (stewart, jody) (Entered: 08/08/2023)
08/08/2023	<u>288</u>	Matter came on for jury trial. Motions heard prior to jury trial before District Judge Rebecca Beach Smith on 8/8/2023 re <u>274</u> MOTION for Leave to Present Dr. Huma Haider Via Zoom filed by Joann Wright Haysbert and <u>283</u> MOTION to Quash <i>a Witness Subpoena</i> filed by Outback Steakhouse of Florida, LLC, Bloomin' Brands, Inc. (Court Reporter Jody Stewart.) The Court took Plaintiff's Motion <u>274</u> for Leave to Present Dr. Huma Haider via Zoom under advisement pending further information. The Court DENIED Defendants Motion <u>283</u> to Quash a Witness Subpoena. Jury Trial continued to 8/9/2023 at 11:00 AM for jury trial in Norfolk Courtroom 4 before District Judge Rebecca Beach Smith. (tameub,) Modified event on 8/16/2023 (tameub,). (Entered: 08/16/2023)
08/09/2023	<u>289</u>	MOTION to Quash by Bloomin' Brands, Inc.. (McGavin, John) (Entered: 08/09/2023)
08/09/2023	<u>291</u>	JURY TRIAL HELD (Day 2) before District Judge Rebecca Beach Smith. (Court Reporter Jody Stewart.) Matter came on for trial by jury on 8/9/2023. David McKelvey and Nazareth Monoah Haysbert present with plaintiff, Joann Wright Haysbert. John McGavin and Emily Blake present on behalf of defendants. For reasons stated on the

		record and out of the presence of the jury, the Court finds that <u>274</u> Plaintiff's Motion for Leave to Present Dr. Huma Haider Via Zoom filed by Joann Wright Haysbert and <u>289</u> MOTION to Quash filed by Bloomin' Brands, Inc., are MOOT. Petit jurors were sworn, examined on voir dire and from said panel came a jury (8 jurors) who were duly sworn. Jurors not serving excused subject to call. Out of the presence of the jury, the plaintiff raised a Batson challenge. Argument of counsel heard and the court overruled the motion. The court directed that the witnesses be separated. Opening statements of counsel heard. Jurors, counsel, and parties excused until 10:00 a.m. on August 10, 2023. (tameub,) (Entered: 08/10/2023)
08/10/2023	<u>290</u>	TRIAL BRIEF <i>Plaintiff's Trial Brief on the Issue of Ownership and Control</i> by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/10/2023)
08/10/2023	<u>294</u>	TRIAL BRIEF <i>as to the Admissibility of Dr. Aaron Filler</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Blake, Emily) (Entered: 08/10/2023)
08/10/2023	<u>295</u>	JURY TRIAL HELD (Day 3) before District Judge Rebecca Beach Smith. (Court Reporter Jody Stewart.) Matter came on for continuation of Jury Trial on 8/10/2023. David McKelvey and Nazareth Monoah Haysbert present with plaintiff, Joann Wright Haysbert. John McGavin and Emily Blake present on behalf of defendants. All jurors (8) present. Stipulation of Facts read into the record. Out of the presence of the jury, defendant moved to strike the testimony of Dr. Aaron Filler, MD, PhD, FRCS. Plaintiff presented evidence. Jurors, counsel and parties excused until 8/11/2023 at 10:30 AM in Norfolk Courtroom 4 before District Judge Rebecca Beach Smith. (tameub,) (Entered: 08/11/2023)
08/11/2023	<u>307</u>	JURY TRIAL HELD (Day 4) before District Judge Rebecca Beach Smith. (Court Reporter Jody Stewart.) Matter came on for continuation of trial by jury on 8/11/2023. David McKelvey and Nazareth Monoah Haysbert present with plaintiff, Joann Wright Haysbert. John McGavin and Emily Blake present on behalf of defendants. All jurors (8) present. Plaintiff resumed presentation of evidence. Out of the presence of the jury, defendant moved for mistrial. Jurors excused until 11:00 a.m. on August 14, 2023. After jurors were excused, Defendant moved to quash subpoena for Marcus Wilson and to revoke Nazareth Monoah Haysberts Pro Hac Vice admission. Court takes motions under advisement and gave counsel directions regarding briefing schedule for pending motions. Defendants motion to strike Dr. Fillers testimony remains under advisement. Counsel and parties excused until 10:00 a.m. on August 14, 2023. (tameub,) (Entered: 08/14/2023)
08/13/2023	<u>296</u>	Memorandum <i>Plaintiff's Opposition to Defendants' Motion for Mistrial (Oral Motion)</i> filed by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/13/2023)
08/13/2023	<u>297</u>	Declaration of Nazareth M. Haysbert Regarding Service of a Trial Subpoena on Marcus Wilson by Joann Wright Haysbert. (McKelvey, David) (Entered: 08/13/2023)
08/13/2023	<u>298</u>	TRIAL BRIEF <i>as to Defendants' Motion for Mistrial</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Ex A – Haysbert Letter, # <u>2</u> Exhibit Ex B – Eleftherion Dep, # <u>3</u> Exhibit Ex C – Chase Dep, # <u>4</u> Exhibit Ex D – Crosby Dep, # <u>5</u> Exhibit Ex E – Trial Transc)(Blake, Emily) (Entered: 08/13/2023)
08/13/2023	<u>299</u>	MOTION to Quash <i>Witness Subpoena Served on Marcus Wilson</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 08/13/2023)
08/13/2023	<u>300</u>	TRIAL BRIEF <i>as to the Admissibility of Work Orders Filed in Response to the Court's Request for Briefing on Subsequent Remedial Measures under FRE 407</i> by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration of Haysbert re. Work Orders)(McKelvey, David) (Entered: 08/13/2023)
08/13/2023	<u>301</u>	TRIAL BRIEF <i>as to Rule 407 Motion to Exclude Subsequent Remedial Measures</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Ex A – Crosby Dep, # <u>2</u> Exhibit Ex B – Seifert Dep, # <u>3</u> Exhibit Ex C – Work Order, # <u>4</u> Exhibit Ex D – Wilson Dep)(Blake, Emily) (Entered: 08/13/2023)
08/13/2023	<u>302</u>	TRIAL BRIEF <i>in support of Defendant's Motion to Revoke Pro Hac Vice Status</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 08/13/2023)

08/14/2023	<u>303</u>	Memorandum <i>Response to Defendants' Trial Brief Regarding Dr. Filler</i> to <u>294</u> Trial Brief filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit Declaration)(McKelvey, David) (Entered: 08/14/2023)
08/14/2023		Reset Hearings: Jury Trial reset for 8/14/2023 at 11:00 AM in Norfolk Courtroom 4 before District Judge Rebecca Beach Smith. (tameub,) (Entered: 08/14/2023)
08/14/2023	<u>308</u>	JURY TRIAL HELD (Day 5) before District Judge Rebecca Beach Smith. (Court Reporter Jody Stewart.) David McKelvey and Nazareth Monoah Haysbert present with plaintiff, Joann Wright Haysbert. John McGavin and Emily Blake present on behalf of defendants. Matter came on for continuation of trial by jury on 8/14/2023. No appearance by jurors. Court excused jurors until 11:00 a.m. on August 15, 2023. Argument of counsel heard regarding Defendants Motion to Quash Subpoena Served on Marcus Wilson. For reasons stated on the record, the court GRANTED Defendants Motion to Quash Subpoena Served on Marcus Wilson. Argument of counsel heard regarding Defendants Motion to Revoke Pro Hac Vice Status of Nazareth Monoah Haysbert. For reasons stated on the record, the court GRANTED Defendants Motion to Revoke Pro Hac Vice Status of Nazareth Monoah Haysbert. Argument of counsel heard regarding Defendants Motion for Mistrial. For the reasons stated on the record, the court GRANTED the Defendants Motion for Mistrial. The Court will issue a Memorandum Opinion and Order. Jurors will be dismissed on August 15, 2023, at 11:00 a.m. Counsel was excused from appearing on August 15, 2023, at their request, for the dismissal of jurors. (tameub,) (Entered: 08/15/2023)
08/15/2023	<u>313</u>	JURY TRIAL HELD (Day 6) before before District Judge Rebecca Beach Smith. (Court Reporter Jody Stewart.) Matter came on for continuation of trial by jury on 8/15/2023. All jurors (8) present. Per the rulings of the Court on August 14, 2023, ECF <u>308</u> , the jury was excused from further service. Jurors instructed to notify the court if they are contacted by counsel who appeared in the trial before them or anyone on counsel's behalf. (Attachments: # <u>1</u> Witness List, # <u>2</u> Exhibit List) (tameub,) (Entered: 08/16/2023)
08/17/2023	<u>314</u>	ORDER – It is ORDERED that the United States Marshal furnish the jury meals at the expense of the United States. Signed by District Judge Rebecca Beach Smith on 8/17/2023. (dbra,) (Entered: 08/17/2023)
08/23/2023	<u>315</u>	OPINION granting Defendants' Motion to Quash, Defendants' Motion to Revoke Pro Hac Vice Status of Mr. Haysbert, and Defendants' Motion for Mistrial, as ruled from the bench on August 14, 2023. Parties to notify the court within twenty-one (21) days of this Opinion, if a new trial is to be set. Signed by District Judge Rebecca Beach Smith on 8/23/2023. (afar) (Entered: 08/23/2023)
09/01/2023	<u>316</u>	NOTICE by Joann Wright Haysbert (<i>Plaintiff's Notice of Request for a New Trial</i>) (McKelvey, David) (Entered: 09/01/2023)
09/06/2023	<u>317</u>	TRANSCRIPT of proceedings (Day 1) held on 8–8–2023, before Judge Rebecca Beach Smith, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 10/6/2023. Redacted Transcript Deadline set for 11/6/2023. Release of Transcript Restriction set for 12/5/2023.(stewart, jody) (Entered: 09/06/2023)
09/06/2023	<u>318</u>	TRANSCRIPT of proceedings (Day 2) held on 8–9–2023, before Judge Rebecca Beach Smith, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction.

		After that date it may be obtained through PACER Redaction Request due 10/6/2023. Redacted Transcript Deadline set for 11/6/2023. Release of Transcript Restriction set for 12/5/2023.(stewart, jody) (Entered: 09/06/2023)
09/06/2023	<u>319</u>	TRANSCRIPT of proceedings (Day 3) held on 8–10–2023, before Judge Rebecca Beach Smith, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 10/6/2023. Redacted Transcript Deadline set for 11/6/2023. Release of Transcript Restriction set for 12/5/2023.(stewart, jody) (Entered: 09/06/2023)
09/06/2023	<u>320</u>	TRANSCRIPT of proceedings (Day 4) held on 8–11–2023, before Judge Rebecca Beach Smith, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 10/6/2023. Redacted Transcript Deadline set for 11/6/2023. Release of Transcript Restriction set for 12/5/2023.(stewart, jody) (Entered: 09/06/2023)
09/06/2023	<u>321</u>	TRANSCRIPT of proceedings (Day 5) held on 8–14–2023, before Judge Rebecca Beach Smith, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 10/6/2023. Redacted Transcript Deadline set for 11/6/2023. Release of Transcript Restriction set for 12/5/2023.(stewart, jody) (Entered: 09/06/2023)
09/06/2023	<u>322</u>	TRANSCRIPT of proceedings (Day 6) held on 8–15–2023, before Judge Rebecca Beach Smith, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 10/6/2023. Redacted Transcript Deadline set for 11/6/2023. Release of Transcript Restriction set for 12/5/2023.(stewart, jody) (Entered: 09/06/2023)
09/12/2023	<u>323</u>	ORDER directing the Clerk to randomly reassign the case to another district judge of this court for a new trial and all further attendant proceedings. Signed by District Judge Rebecca Beach Smith on 9/12/2023. (tameub,) (Entered: 09/12/2023)
09/12/2023		Case Reassigned to District Judge Elizabeth W. Hanes. District Judge Rebecca Beach Smith no longer assigned to the case. (afar) (Entered: 09/12/2023)
09/15/2023		Set Hearings: Status Conference set for 9/26/2023 at 10:00 AM in Norfolk Telephonically before District Judge Elizabeth W. Hanes. (kgall) (Entered: 09/15/2023)

09/18/2023	<u>324</u>	MOTION to Withdraw as Attorney (<i>Motion to Withdraw as Counsel</i>) by Joann Wright Haysbert. (McKelvey, David) (Entered: 09/18/2023)
09/18/2023	<u>325</u>	Memorandum in Support re <u>324</u> MOTION to Withdraw as Attorney (<i>Motion to Withdraw as Counsel</i>) filed by Joann Wright Haysbert. (Attachments: # <u>1</u> Proposed Order)(McKelvey, David) (Entered: 09/18/2023)
09/18/2023	<u>326</u>	MOTION for Sanctions by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 09/18/2023)
09/18/2023	<u>327</u>	Memorandum in Support re <u>326</u> MOTION for Sanctions filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 09/18/2023)
09/20/2023	<u>328</u>	NOTICE of Appearance by Jeremiah A. Denton, III on behalf of David Adam McKelvey (Denton, Jeremiah) (Entered: 09/20/2023)
09/22/2023	<u>329</u>	MOTION for Extension <i>Time</i> by David Adam McKelvey. (Denton, Jeremiah) (Entered: 09/22/2023)
09/26/2023	<u>330</u>	Minute Entry for proceedings held before District Judge Elizabeth W. Hanes: Telephonic Status Conference held on 9/26/2023. David McKelvey appeared on behalf of Plaintiff. John McGavin appeared on behalf of Defendants. Jeremiah Denton appeared on behalf of Interested Party David McKelvey. Interested Party Nazareth Haysbert appeared pro se. Parties answer questions of the Court. In re Plaintiff's Motion to Withdraw as Attorney [ECF no. 324], the Court gives plaintiff 14 days to retain new counsel. The Court inquires about Interested Party Haysbert proceeding with counsel or pro se and directs him to refer to pro se guidelines on EDVA website. (Court Reporter J. Trail)(kgall) (Entered: 09/26/2023)
09/27/2023	<u>331</u>	Opposition to <u>324</u> MOTION to Withdraw as Attorney (<i>Motion to Withdraw as Counsel</i>) filed by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 09/27/2023)
10/10/2023	<u>332</u>	NOTICE of Appearance by Mary Teresa Morgan on behalf of Nazareth Monoah Haysbert (Morgan, Mary) (Entered: 10/10/2023)
10/11/2023		MOTIONS REFERRED to Magistrate Judge Robert J. Krask. <u>329</u> MOTION for Extension <i>Time</i> (jhie,) (Entered: 10/11/2023)
10/12/2023	<u>333</u>	ORDER. The Court GRANTS the <u>324</u> Motion to Withdraw as Attorney. Attorney David McKelvey and Crandall & Katt are deemed withdrawn as counsel in this matter. As the deadline to retain new counsel has passed, Plaintiff Joann Wright Haysbert shall proceed <i>pro se</i> going forward in this matter. Plaintiff Haysbert and counsel for Defendants are ORDERED to contact the Court within seven (7) calendar days to schedule a status conference. The Court GRANTS the <u>329</u> Motion for Extension of Time to file a response to the Motion for Sanctions and extends the deadline for a response for both Mr. McKelvey and Mr. Haysbert to December 4, 2023. Counsel McKelvey is INSTRUCTED to provide Plaintiff Haysbert a copy of this Order within three (3) calendar days. Counsel McKelvey is also INSTRUCTED to provide the Clerk with the appropriate contact information for Plaintiff Haysbert to note in the Court's online filing system within three (3) calendar days of this Order. Signed by District Judge Elizabeth W. Hanes on 10/12/23. (jhie,) (Entered: 10/12/2023)
10/12/2023	<u>334</u>	NOTICE by Joann Wright Haysbert to Clerk Pursuant to Order at ECF 333 (McKelvey, David) (Entered: 10/12/2023)
10/18/2023		Set Hearings: Pretrial Conference set for 10/30/2023 at 03:00 PM in Norfolk Remote before District Judge Elizabeth W. Hanes. (kgall) (Entered: 10/18/2023)
10/18/2023	<u>335</u>	Order Setting Pretrial Conference (see Order for details). Signed by District Judge Elizabeth W. Hanes on 10/18/2023. (C/S to plaintiff)(kgall) (Entered: 10/18/2023)
10/18/2023	<u>336</u>	AFFIDAVIT re <u>326</u> MOTION for Sanctions <i>Aff of John McGavin</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Ex A – Invoices and Bills)(Blake, Emily) (Entered: 10/18/2023)
10/18/2023	<u>337</u>	AFFIDAVIT re <u>326</u> MOTION for Sanctions <i>Aff of Kevin Keller</i> by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Ex A – Invoices and Bills)(Blake, Emily) (Entered: 10/18/2023)

10/30/2023	<u>338</u>	Minute Entry for proceedings held before District Judge Elizabeth W. Hanes: Initial Pretrial Conference held on 10/30/2023 via zoom. Plaintiff appeared pro se. Defendant appeared through counsel John McGavin. The Court directed the Plaintiff to refer to EDVA pro se handbook, the Local rules of civil procedure and the Federal rules of civil procedure. For the reasons stated on the record, Plaintiff's oral motion for continuance to find new counsel is DENIED. However, the Court advised the Plaintiff she may retain counsel. The Court directed the parties to meet and confer regarding stipulations, exhibits, witnesses, etc. Motions in Limine to be filed by December 18, 2023. Final pretrial order to be filed by December 18, 2023. Expert reports (and/or other exhibits) to be emailed to Judge Hanes's Law Clerk by December 18, 2023. Final Pretrial Conference set for 1/17/2024 at 10:00 AM in Newport News Courtroom 1 before District Judge Elizabeth W. Hanes. Jury Trial set for 2/5/2024 at 10:00 AM (approx 5 days) in Newport News Courtroom 1 before District Judge Elizabeth W. Hanes. Plaintiff to send in letter by Wednesday, November 1, 2023 if the FPTC date/time does not work for her schedule. Order to follow. (Court Reporter J. Trail)(kgall) (Modified docket text and document as of 11/1/2023 – kgall) (Entered: 10/31/2023)
11/01/2023	<u>339</u>	Scheduling and Pretrial Order. Signed by District Judge Elizabeth W. Hanes on 11/1/2023. (kgall) (C/S to plaintiff) (Entered: 11/01/2023)
11/08/2023	<u>340</u>	ORDER. The Court CONFIRMS that the Final Pretrial Conference is scheduled for January 17, 2024, at 10:00 a.m. in Newport News, as previously provided in its <u>339</u> Scheduling and Pretrial Order. Plaintiff is REMINDED that she must send any requests or communications to the Court via mail or by physically delivering the filing to the Clerk's Office. Any filings made via e-mail or other electronic means will not be accepted. Plaintiff is further DIRECTED to consult the online resources for <i>pro se</i> parties in the Eastern District of Virginia, which are available on the Court's website. Signed by District Judge Elizabeth W. Hanes on 11/8/23. Copy mailed to Plaintiff on 11/8/23. (jhie,) (Entered: 11/08/2023)
11/09/2023	<u>341</u>	SUGGESTION OF DEATH Upon the Record as to David A. McKelvey, Esq. by David Adam McKelvey. (Denton, Jeremiah) (Entered: 11/09/2023)
11/20/2023	<u>342</u>	Letter Motion to Reschedule FPTC by Joann Wright Haysbert. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(jhie,) (Entered: 11/20/2023)
11/20/2023	<u>343</u>	MOTION for Extension of Time to File Opposition to Motion for Sanctions and for Leave to File Brief in Excess of 20 pages by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 11/20/2023)
11/20/2023	<u>344</u>	Memorandum in Support re <u>343</u> MOTION for Extension of Time to File Opposition to Motion for Sanctions and for Leave to File Brief in Excess of 20 pages filed by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 11/20/2023)
11/21/2023		Set Hearings: Telephonic Status Conference set for 11/21/2023 at 03:00 PM in Norfolk Telephonically before District Judge Elizabeth W. Hanes. (kgall) (Entered: 11/21/2023)
11/21/2023	<u>345</u>	Minute Entry for proceedings held before District Judge Elizabeth W. Hanes:Telephonic scheduling call regarding Defendants Motion for Sanctions held on 11/21/2023. John McGavin and Emily Blake present on behalf of defendants. Jeremiah Denton on behalf of interested party David McKelvey. Mary Morgan on behalf of interested party Nazareth Haysbert. Defendants directed to file notice by COB on November 28, 2023 regarding whether they intend to proceed against Interested Party David McKelvey. Deadline for Interested Parties to respond to Motion for Sanctions extended to December 18, 2023. The motion for Extension of Time filed by counsel for Interested Party Nazareth M. Haysbert therefore GRANTED. Court also granted request for additional pages. ECF No. 343. (Court Reporter J. Trail)(kgall) (Entered: 11/21/2023)
11/22/2023	<u>346</u>	ORDER denying in part Plaintiff's <u>342</u> Letter Motion to Reschedule the Final Pretrial Conference (FPTC). The parties are ORDERED to meet and confer regarding their availability for the FPTC at the alternative times outlined in this Order and inform the Court no later than Wednesday, November 29, 2023, if an alternative time has been chosen. If the parties are unable to reach an agreement to schedule the FPTC at one of the six offered alternatives, the FPTC will remain on January 17, 2024, at 10:00 am as

		originally scheduled. All other dates and requirements outlined in the Court's Scheduling and Pretrial Order entered on November 1, 2023, remain in effect. Signed by District Judge Elizabeth W. Hanes on 11/22/23. Copy mailed to Plaintiff on 11/22/23. (jhie,) (Entered: 11/22/2023)
11/28/2023		Reset Hearings: Final Pretrial Conference set for 1/19/2024 at 10:00 AM in Newport News Courtroom 1 before District Judge Elizabeth W. Hanes. (kgall) (Entered: 11/28/2023)
11/28/2023	<u>347</u>	ORDER. The final pretrial conference in this matter is RESCHEDULED to January 19, 2023, at 10:00 a.m. All other dates outlined in the Court's <u>339</u> Scheduling and Pretrial Order entered on November 1, 2023, remain in effect. Signed by District Judge Elizabeth W. Hanes on 11/28/23. Copy mailed to plaintiff as directed on 11/28/23. (jhie,) (Entered: 11/28/2023)
12/04/2023	<u>348</u>	Withdrawal of Motion by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC re <u>326</u> MOTION for Sanctions <i>Against Attorney McKelvey</i> (McGavin, John) (Entered: 12/04/2023)
12/18/2023	<u>349</u>	Plaintiff's Motion for Voluntary Dismissal Pursuant to FRCP 41(A)(2) or, Alternatively, for a Continuance by Joann Wright Haysbert. (jhie,) (Entered: 12/18/2023)
12/18/2023	<u>350</u>	Memorandum of Points and Authorities in Support of Plaintiff's Motion for Voluntary Dismissal Pursuant to FRCP 41(A)(2) or, Alternatively, for a Continuance of Six Months filed by Joann Wright Haysbert. (jhie,) (Entered: 12/18/2023)
12/18/2023	<u>351</u>	MOTION in Limine by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 12/18/2023)
12/18/2023	<u>352</u>	Memorandum in Support re <u>351</u> MOTION in Limine filed by Outback Steakhouse of Florida, LLC. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(McGavin, John) (Entered: 12/18/2023)
12/18/2023	<u>353</u>	Opposition to <u>326</u> MOTION for Sanctions , <u>327</u> Memorandum in Support filed by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 12/18/2023)
12/20/2023		Set Hearing as to <u>349</u> MOTION to Voluntarily Dismiss. Motion Hearing set for 1/8/2024 at 02:00 PM in Norfolk Remote before District Judge Elizabeth W. Hanes. (kgall) (Entered: 12/20/2023)
12/21/2023	<u>354</u>	Reply to <u>353</u> Opposition , REPLY to Response to Motion re <u>326</u> MOTION for Sanctions filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 12/21/2023)
01/02/2024	<u>355</u>	Opposition to <u>349</u> MOTION to Voluntarily Dismiss filed by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 01/02/2024)
01/08/2024	<u>356</u>	Minute Entry for proceedings held before District Judge Elizabeth W. Hanes: Motion Hearing held on 1/8/2024 via zoom in re <u>349</u> MOTION to Voluntarily Dismissal Pursuant to FRCP 41(A)(2) or, Alternatively, for a Continuance filed by Joann Wright Haysbert. The plaintiff appeared pro se. John McGavin appeared on behalf of the defendant. Arguments of the parties heard. Comments of the Court. For the reasons stated on the record, the Motion for Voluntary Dismissal (ECF no. 349) is GRANTED with conditions. The plaintiff accepts the conditions. The Court to enter an order. The Court directs the defendant is to file an affidavit within 21 days regarding Interested Party: Nazareth Haysbert's involvement in case since the time his PHV was revoked. (Court Reporter J. Trail)(kgall) (Entered: 01/09/2024)
01/11/2024	<u>357</u>	ORDER granting in part <u>349</u> Motion for Voluntary Dismissal. This case is DISMISSED WITHOUT PREJUDICE subject to the conditions outlined herein. Signed by District Judge Elizabeth W. Hanes on 1/11/24. Copy mailed to Plaintiff as directed on 1/11/24. (jhie,) (Entered: 01/11/2024)
01/12/2024	<u>358</u>	TRANSCRIPT of proceedings (Motion to Dismiss) held on January 8, 2024, before Judge Elizabeth W. Hanes, Court Reporter/Transcriber Jill Trail. Telephone number 757-222-7072. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request

		Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 2/12/2024. Redacted Transcript Deadline set for 3/13/2024. Release of Transcript Restriction set for 4/11/2024.(trail, jill) (Entered: 01/12/2024)
01/17/2024	<u>359</u>	ORDER. Counsel for Defendants are directed to submit an affidavit no later than January 29, 2024, regarding Mr. Nazareth Haysbert's involvement in this matter after the revocation of his <i>pro hac vice</i> status. Mr. Haysbert, through counsel, may similarly file any affidavit for consideration no later than February 12, 2024. Signed by District Judge Elizabeth W. Hanes on 1/17/24. (jhie,) (Entered: 01/17/2024)
01/17/2024	<u>360</u>	AFFIDAVIT by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 01/17/2024)
02/01/2024	<u>361</u>	Plaintiff's Motion for Clarification and Reconsideration of the Court's Voluntary Dismissal Order by Joann Wright Haysbert. (jhie,) (Entered: 02/01/2024)
02/01/2024	<u>362</u>	Memorandum of Points and Authorities in Support of Plaintiff's Motion for Clarification and Reconsideration of the Court's Voluntary Dismissal Order filed by Joann Wright Haysbert. (jhie,) (Entered: 02/01/2024)
02/10/2024	<u>363</u>	AFFIDAVIT by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 02/10/2024)
02/15/2024	<u>364</u>	Opposition to <u>361</u> MOTION for Reconsideration filed by Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 02/15/2024)
04/18/2024		Motion Hearing set as to <u>326</u> MOTION for Sanctions for 5/15/2024 at 02:00 PM via Zoom before District Judge Elizabeth W. Hanes. (vwar) (Entered: 04/18/2024)
04/19/2024	<u>365</u>	ORDER granting in part <u>361</u> Motion for Reconsideration filed by Joann Wright Haysbert. The Court AMENDS its prior Order, ECF No. <u>357</u> , by REMOVING condition 5 that "[t]o the extent that any designated expert witnesses were previously withdrawn, those expert witnesses will remain withdrawn." All other provisions of that Order remain in effect. Signed by District Judge Elizabeth W. Hanes on 4/19/24. Copies distributed as directed. (jhie,) (Entered: 04/19/2024)
05/15/2024	<u>366</u>	Minute Entry for proceedings held before District Judge Elizabeth W. Hanes. John McGavin and Emily Blake appeared on behalf of Defendants. Mary Morgan appeared on behalf of the Interested Party. Motion Hearing held on 5/15/2024 re <u>326</u> MOTION for Sanctions via zoom. Comments of the court. Arguments heard. Parties supplemental positions to be filed by May 29. (Court Reporter Jill Trail, OCR.)(dbra,) (Entered: 05/16/2024)
05/23/2024	<u>367</u>	TRANSCRIPT of proceedings (Motions Hearing) held on May 15, 2024, before Judge Elizabeth W. Hanes, Court Reporter/Transcriber Jill Trail, Telephone number 757-222-7072. NOTICE RE REDACTION OF TRANSCRIPTS:The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/24/2024. Redacted Transcript Deadline set for 7/23/2024. Release of Transcript Restriction set for 8/21/2024.(trail, jill) (Entered: 05/23/2024)
05/24/2024		Set Hearings: Motion Hearing re <u>326</u> MOTION for Sanctions set for 6/13/2024 at 02:00 PM via remote before District Judge Elizabeth W. Hanes. (dbra,) (Entered: 05/24/2024)
05/29/2024	<u>368</u>	Memorandum in Opposition re <u>326</u> MOTION for Sanctions <i>Supplemental</i> filed by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 05/29/2024)

05/29/2024	<u>369</u>	Supplemental MOTION for Sanctions by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (Blake, Emily) (Entered: 05/29/2024)
06/09/2024	<u>370</u>	MOTION to Strike <i>and Memorandum in Support</i> by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 06/09/2024)
06/12/2024	<u>371</u>	ORDER granting in part and denying in part <u>370</u> Motion to Strike, or in the Alternative, for Leave to File Response. The Court DENIES Attorney Haysbert's motion to strike portions of Defendant's Supplemental Brief and GRANTS Haysbert's motion for leave to file a response. Haysbert is ORDERED to file any response no later than Monday, July 1, 2024. Signed by District Judge Elizabeth W. Hanes on 6/12/24. (jhie,) (Entered: 06/12/2024)
06/12/2024		Reset Hearings: Motion Hearing re <u>326</u> Motion for Sanctions reset for 7/8/2024 at 01:00 PM via Zoom before District Judge Elizabeth W. Hanes. (jhie,) (Entered: 06/12/2024)
06/27/2024	<u>372</u>	MOTION for Leave to File Excess Pages by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 06/27/2024)
06/27/2024	<u>373</u>	Memorandum in Support re <u>372</u> MOTION for Leave to File Excess Pages filed by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 06/27/2024)
06/28/2024	<u>374</u>	ORDER granting <u>372</u> Motion for Leave to File Excess Pages. Mr. Haysbert's brief shall not exceed thirty-five (35) pages, exclusive of affidavits and supporting documentation. Signed by District Judge Elizabeth W. Hanes on 6/28/24. (jhie,) (Entered: 06/28/2024)
07/01/2024	<u>375</u>	Reply to Motion re <u>372</u> MOTION for Leave to File Excess Pages filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 07/01/2024)
07/01/2024	<u>376</u>	Memorandum in Opposition re <u>326</u> MOTION for Sanctions (<i>Second Supplemental</i>) filed by Nazareth Monoah Haysbert. (Attachments: # <u>1</u> Exhibit 1 Declaration, # <u>2</u> Exhibit 2 Shipping Receipt)(Morgan, Mary) (Entered: 07/01/2024)
07/08/2024	<u>377</u>	Minute entry for hearing held via zoom before District Judge Elizabeth W. Hanes: Motion hearing held on 7/8/2024 re Motion for Sanctions, ECF No. 326, and Supplemental Motion for Sanctions, ECF No. 369. John McGavin and Emily Blake appeared on behalf of Defendants. Nazareth Haysbert appeared with Counsel Mary Morgan. For the reasons stated on the record, the Court granted in part the Motions for Sanctions as to misrepresentations related to expert witnesses only and ordered sanctions in the amount of \$2,328.75. Order to follow. (Court Reporter Jill Trail, OCR.) (dbra,) (Entered: 07/08/2024)
07/09/2024	<u>378</u>	ORDER Granting <u>326</u> Motion for Sanctions. IT IS SO ORDERED, Attorney Haysbert is ORDERED to pay sanctions in the amount of \$2,328.75 to Defendants no later than sixty (60) days from the entry of this Order. Signed by District Judge Elizabeth W. Hanes on 7/9/2024. (Vpea) (Entered: 07/09/2024)
07/10/2024	<u>379</u>	TRANSCRIPT of proceedings (Motions Hearing) held on July 8, 2024, before Judge Elizabeth W. Hanes, Court Reporter/Transcriber Jill Trail, Telephone number 757-222-7072. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/9/2024. Redacted Transcript Deadline set for 9/9/2024. Release of Transcript Restriction set for 10/8/2024.(trail, jill) (Entered: 07/10/2024)
08/06/2024	<u>380</u>	MOTION for Leave to File Excess Pages <i>and Memorandum in Support</i> by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 08/06/2024)
08/06/2024	<u>381</u>	MOTION for Reconsideration <i>Alter or Amend</i> by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 08/06/2024)

08/06/2024	<u>382</u>	Memorandum in Support re <u>381</u> MOTION for Reconsideration <i>Alter or Amend</i> filed by Nazareth Monoah Haysbert. (Morgan, Mary) (Entered: 08/06/2024)
08/16/2024	<u>383</u>	RESPONSE to Motion re <u>381</u> MOTION for Reconsideration <i>Alter or Amend</i> filed by Bloomin' Brands, Inc., Outback Steakhouse of Florida, LLC. (McGavin, John) (Entered: 08/16/2024)
01/15/2025	<u>384</u>	MEMORANDUM ORDER denying Plaintiff's <u>381</u> Motion to Reconsider, Alter, or Amend the Court's Order Imposing Sanctions. Signed by District Judge Elizabeth W. Hanes on 1/14/2025. (jhie,) (Entered: 01/15/2025)
03/13/2025	<u>385</u>	TRANSCRIPT of proceedings held on 8–11–2021, before Judge Douglas E. Miller, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 4/14/2025. Redacted Transcript Deadline set for 5/13/2025. Release of Transcript Restriction set for 6/11/2025.(stewart, jody) (Entered: 03/13/2025)
03/13/2025	<u>386</u>	TRANSCRIPT of proceedings held on 4–12–2022, before Judge Robert J. Krask, Court Reporter/Transcriber Jody Stewart, Telephone number 757–222–7071. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 4/14/2025. Redacted Transcript Deadline set for 5/13/2025. Release of Transcript Restriction set for 6/11/2025.(stewart, jody) (Entered: 03/13/2025)
03/19/2025	<u>387</u>	TRANSCRIPT of Video Teleconference Proceedings (Motion Hearing) held on 12–02–2020, before Magistrate Judge Douglas E. Miller, Court Reporter/Transcriber Carol Naughton, Telephone number 757–222–7073. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov . Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 4/18/2025. Redacted Transcript Deadline set for 5/19/2025. Release of Transcript Restriction set for 6/17/2025.(naughton, carol) (Entered: 03/19/2025)